

# **ATTACHMENT 6**

IN THE CITY OF CHICAGO

DEPARTMENT OF ADMINISTRATIVE HEARINGS

MUNICIPAL HEARINGS DIVISION

APPEALS - DENIALS OF PARADE PERMITS

Students for a Democratic )  
Society UIC )  
Petitioner, )  
 )  
V. )  
 ) Docket #24PA000005  
CITY OF CHICAGO, )  
(Dept. of Streets & Sanitation) , )  
 )  
Respondent. )

Hearing date: March 18, 2024

Location: Central Hearing Facility,  
400 West Superior,  
Chicago, IL

Administrative Law Judge: Dennis Fleming

For the City of Chicago:

Attorney: Matthew Spahr  
Attorney: Christopher Dionne  
Witness: Bryan Gallardo  
Witness: Gabriella Shemash

For the Plaintiff:

Respondent: None  
Attorney: Christopher Williams  
Witness: Henry Rathburn  
Other Representative: None

1 ADMINISTRATIVE LAW JUDGE FLEMING: We're  
2 going to go on the record with 24PA000005A, parade  
3 application for a parade, March Against the U.S.  
4 Funded Gaza Genocide filed by Henry Rathburn,  
5 president of Students for a Democratic Society UIC.

6 And the application was made and reviewed  
7 and denied, a Request for Hearing was made and we are  
8 here for that hearing. So respective counsels,  
9 please identify yourselves for the record.

10 MR. SPAHR: ACC Matthew Spahr for the  
11 City.

12 MR. DIONNE: ACC Chris Dionne for the  
13 City.

14 MR. WILLIAMS: Christopher Williams for  
15 the Applicant.

16 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
17 Do we have any stipulations for exhibits?

18 MR. WILLIAMS: We will stipulate to  
19 Exhibit 1 and to Exhibit 3A, B, and C and to Exhibit  
20 4. And hold on just a second. Oh, that's it.  
21 [Inaudible].

22 ADMINISTRATIVE LAW JUDGE FLEMING: And can  
23 I get a set of the exhibits?

24 MR. WILLIAMS: Oh, yes.

1 ADMINISTRATIVE LAW JUDGE FLEMING: Thank  
2 you.

3 MR. WILLIAMS: So 1, 3A, B, and C, and  
4 stipulate to 4 and we stipulate to 5A, B, and C, and  
5 stipulate to 6. City, was it 6 [inaudible]. We do  
6 not stipulate to Exhibit 2 --

7 ADMINISTRATIVE LAW JUDGE FLEMING: 2A.  
8 And I anticipated that except that's a choice and so  
9 I'm going to defer again on 2A, but based on --

10 MR. WILLIAMS: 2A, B, and C.

11 ADMINISTRATIVE LAW JUDGE FLEMING: A, B,  
12 C?

13 MR. WILLIAMS: Yeah.

14 ADMINISTRATIVE LAW JUDGE FLEMING: Based  
15 upon -- I'm going to defer at this point in time.

16 MR. WILLIAMS: Okay.

17 ADMINISTRATIVE LAW JUDGE FLEMING: And  
18 then you have your two exhibits or --

19 MR. SPAHR: I'm going to see if I need  
20 them.

21 ADMINISTRATIVE LAW JUDGE FLEMING: If you  
22 need them, great. Okay. Fine. All right. Opening  
23 if we need.

24 MR. SPAHR: Judge, we are here today

1     regarding a parade permit application that was  
2     submitted by Petitioner to the City of Chicago  
3     Department of Transportation. The City responded to  
4     Petitioner's application and a letter denying it as  
5     to the precise terms as applied for while offering an  
6     alternative route that the City could approve.

7                 The letter sent by the Department of  
8     Transportation provides the basis for its denial  
9     being there are not sufficient city resources to  
10    mitigate traffic disruptions caused by the parade and  
11    that there are not sufficient on duty police officers  
12    or city employees to police and protect all  
13    participants and non-participants of the parade at  
14    the applied for date, time, and location.

15                Specifically, the day and location that  
16    the Petitioner applied for is during the Democratic  
17    National Convention and is encompassing one of the  
18    main venues hosting the convention.

19                You will hear through testimony the strain  
20    on city resources resulting from hosting such a  
21    national special security event. At no point during  
22    this process did the City of Chicago Department of  
23    Transportation state that Petitioner is not allowed  
24    to parade.

1           To the extent practical, the city approved  
2     the Petitioner to parade on the same date, just in a  
3     different location, which the city could meet its  
4     obligation under the Chicago Municipal Code in terms  
5     of allocating city resources to the parade.

6           Today, the City will illicit testimony as  
7     to what is required of the city in terms of personnel  
8     and resources needed for the Democratic National  
9     Convention, on top of keeping all other city services  
10    fully operational for its residents and businesses  
11    during this time. For all the reasons the city will  
12    provide in this case, we are asking this Court to  
13    affirm the determination of the Department of  
14    Transportation and deny the route as applied for.

15           ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
16    Thank you.

17           MR. WILLIAMS: I'll defer.

18           ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
19    If you remember now for this one.

20           MR. SPAHR: At this time, the City would  
21    call Bryan Gallardo.

22           ADMINISTRATIVE LAW JUDGE FLEMING: All  
23    right, Mr. Gallardo. Again, raise your right hand.  
24    Do you solemnly swear or affirm any testimony you

1 give will be the truth?

2 MR. GALLARDO: Yes.

3

4 DIRECT EXAMINATION

5 BY MR. SPAHR:

6 Q. All right, Mr. Gallardo. Please  
7 introduce yourself, spelling your last name for  
8 the record?

9 A. My name is Bryan Gallardo,  
10 G-A-L-L-A-R-D-O.

11 Q. And who do you work for?

12 A. I work for the City of Chicago,  
13 Department of Transportation.

14 Q. And what is your position in that  
15 department?

16 A. I am assistant commissioner in charge  
17 of the public way permitting office.

18 Q. And how long have you held that  
19 position?

20 A. I have held that position since October  
21 of 2017.

22 Q. And as assistant commissioner, what are  
23 some of your responsibilities?

24 A. In the public way permitting office, we

1 take in applications for use of the public way,  
2 which can include construction, festivals,  
3 athletic events, parades, assemblies, moving  
4 vans. Essentially any activities that take place  
5 on the public way other than the standard, you  
6 know, driving and walking type stuff.

7 Q. Okay. Staying specifically on parades,  
8 what is a parade permit?

9 A. It's a permit to march with a group  
10 down the public right of way.

11 Q. And who can apply for such a permit?

12 A. Anyone can apply for a permit.

13 Q. Okay. Individuals or organizations?

14 A. Correct.

15 Q. And where do these individuals and the  
16 organizations apply for the parade permit?

17 A. They would come to City Hall, Room 905,  
18 to submit an application.

19 Q. And once CDOT received a parade permit  
20 application, what is the process?

21 A. Once we receive the application, we  
22 will date and time stamp it. And then we will  
23 distribute it to other departments and agencies  
24 for review.



1           Q.     And what other departments and agencies  
2     would you relay the application to?

3           A.     We'll send it to Chicago Police  
4     Department, Department of Special Events, Office  
5     of Emergency Management Communications, as well  
6     as Streets and Sanitation. Those are the typical  
7     ones. We'll also send it to the ward office as  
8     well.

9           Q.     And what is the purpose, or what input  
10    is CDOT seeking for by relaying these permits to  
11    other departments?

12          A.     Whenever there's any kind of activity  
13    on the public right of way, there are times when  
14    resources will be needed or activities that they  
15    are normally going to be doing that may need to  
16    be ceased during the time of the parade.

17                 So we're seeking their input as to any  
18    kind of conflicts or availability of resources if  
19    needed.

20          Q.     And do you as the assistant  
21    commissioner review every parade permit  
22    application received by CDOT?

23          A.     No, I don't receive every single  
24    application.

1           Q.     And when would an application be  
2 brought to your attention?

3           A.     If it's in a high profile district like  
4 the central business district or near an  
5 entertainment venue or if it's in conflict with  
6 some other high profile events, in this case the  
7 DNC. Then somebody might bring it to my  
8 attention on my staff to just let me know that  
9 this is going to be during this specific time or  
10 in this specific place.

11          Q.     And when an application is brought to  
12 your attention, do you still review it with the  
13 same CDOT process as reviewing all applicants?

14          A.     Yes. We don't change the overall  
15 process. It's just brought to my attention if  
16 there's a potential conflict.

17          Q.     All right. Bringing your attention to  
18 what has been marked and admitted as City's  
19 Exhibit 3A through C, did City of Chicago  
20 Department of Transportation receive a parade  
21 application for a parade named "March Against  
22 U.S. Funded Gaza Genocide?"

23          A.     Yes, we did. We received an  
24 application on February 29th.

1           Q.     And what I presented to you as City's  
2     Exhibit 3, how many pages of this application are  
3     there?

4           A.     There are three pages to this  
5     application.

6           Q.     And where on the application is it  
7     indicated the date that CDOT received it?

8           A.     In the top right-hand corner you'll see  
9     a date and time stamp showing February 29th.

10          Q.     And do you recall who specifically  
11     received this application at CDOT?

12          A.     The intake was done by Susan Pollack,  
13     who's a member of the CDOT public way permitting  
14     staff.

15          Q.     And was this parade application  
16     specifically brought to your attention?

17          A.     It was.

18          Q.     And why was that?

19          A.     The requested location and date  
20     conflicts with the Democratic National  
21     Convention, which will be taking place in August  
22     of this year.

23          Q.     And what dates, specifically, if you  
24     know, is the Democratic National Convention

1       happening on?

2           A.     It's multiple days. The official four  
3       nights of it would be August 19th through the  
4       22nd. But set up and tear down will proceed both  
5       before and linger after those dates.

6           Q.     And are you familiar with what venues  
7       the Democratic National Convention is set to take  
8       place at?

9           A.     The two confirmed locations so far that  
10      we have are the United Center and McCormick  
11      Place.

12          Q.     And I will show you what -- okay,  
13      reviewing what is in front of you, what does this  
14      parade application tell you about the requested  
15      parade?

16          A.     So this parade was requested for August  
17      19th. And is requesting a route that would  
18      encircle the United Center area.

19          Q.     And what -- I believe you just  
20      testified, but what day was this -- they're  
21      asking to parade on?

22          A.     August 19, 2024.

23          Q.     And does this application indicate what  
24      route they're proposing to parade on?

1           A.     Yes.   So they want to begin at Union  
2     Park and then they want to proceed on Ashland and  
3     then around the United Center area, which would  
4     be just to the west of them.

5           Q.     I'll show you what's been marked and  
6     admitted into evidence as City's Exhibit 4.   Do  
7     you recognize this map?

8           A.     Yes.   This is an outline of the  
9     proposed route in the application.

10          Q.     And do you see the United Center on  
11     that map?

12          A.     Yes.

13          Q.     And where about is it in regard to the  
14     overall parade?

15          A.     It is in the center of the route that's  
16     being requested.

17          Q.     Okay.   Great.   Now, referring back to  
18     the application, does it have a proposed number  
19     of attendees seeking to parade?

20          A.     Yes.   That's a standard part of the  
21     application.   And the applicant indicated that  
22     they are expecting 5,000 participants.

23          Q.     And does it indicate a start time?

24          A.     Yes.   That's also a standard part of

1 the application. So the start time that they  
2 requested is 12:00 p.m.

3 Q. End time?

4 A. 2:15 p.m.

5 Q. Is there a disband time?

6 A. 3:00 p.m.

7 Q. And was this application signed by  
8 anyone?

9 A. Yes. So it looks like it's initials  
10 HMW. And then the name printed says Henry  
11 Rathburn.

12 Q. Okay. Thank you. And what was your  
13 next steps once you received this application on  
14 February 29th?

15 A. As we do with all parade applications,  
16 it was circulated via e-mail to the various  
17 departments that I had mentioned previously.

18 Q. And did CDOT review this application  
19 and its proposed route in terms of traffic on the  
20 streets that are being applied for?

21 A. Yes. So that is part of the review  
22 that we conduct. We look for any conflicts with  
23 other activities, whether they're construction or  
24 other events or athletic events or festivals,

1 things like that -- of that nature in the area.

2 As well as the traffic impacts of the proposed  
3 route and subsequent closures.

4 Q. And what, specifically, did you look at  
5 and review in terms of traffic for the proposed  
6 route?

7 A. So this route would take it around the  
8 United Center, as I had previously stated.  
9 Several of the streets in that area are already  
10 closed and this route would then close additional  
11 routes, including Ashland and Western, which  
12 would essentially just cause a traffic jam in  
13 that area. If you have Ashland, Damen, and  
14 Western all closed it gives us limited options to  
15 direct other vehicles around.

16 Especially when you consider that just  
17 to the south of here is the Illinois Medical  
18 District. By closing Ashland and Western it  
19 would make it very difficult for emergency  
20 vehicles to get to and from those hospitals.

21 Q. And when a organization is seeking to  
22 parade on one side of the street, let's say  
23 Ashland, is it possible to march on just one lane  
24 of traffic heading northbound?

1           A.     It's not considered safe to do that.  
2     It would actually take more resources to allow  
3     live traffic next to a large group of marchers,  
4     then it would to fully close the street.

5           Q.     And is there any consideration to  
6     public transportation when reviewing this in  
7     terms of traffic?

8           A.     All of those streets that I mentioned  
9     previously; Ashland, Damen, and Western; all have  
10    multiple bus routes taking them north and south  
11    in the area.

12          Q.     And did you receive any response from  
13    CPD regarding the review of this application?

14          A.     Yes. They were one of the groups that  
15    it was distributed to. And they replied that  
16    they would not have sufficient resources to  
17    support this event.

18          Q.     All right. And after reviewing the  
19    proposed application from the CDOT perspective  
20    and receiving input from other organizations  
21    within Chicago, did you come to a conclusion  
22    whether or not you could approve or deny this  
23    permit?

24          A.     Yes. After reviewing the responses



1 from -- that we received from any other  
2 departments, as well as the potential traffic  
3 impacts and the conflict with the DNC that will  
4 be in full swing on that day, we sent -- or I  
5 should say, I sent a denial letter asking them to  
6 change their route.

7 Q. And did anyone from CPD or another  
8 organization direct you to approve or deny this?

9 A. No. The denial comes from the  
10 Department of Transportation. We take in  
11 information from other departments and other  
12 agencies, but then we take that information and  
13 we craft the letter.

14 Q. I'll show you what's now been admitted  
15 into evidence as City's Exhibit 5A through C. Do  
16 you recognize this document?

17 A. This is a copy of the denial letter  
18 that was sent to the applicant on March 7th.

19 Q. And who authored this letter?

20 A. I wrote this letter.

21 Q. And to whom did you mail it to?

22 A. Students for a Democratic Society at  
23 UIC, in care of Henry Rathburn.

24 Q. And is this a true and accurate copy of

1 the letter you prepared signed and sent?

2 A. Yes, I believe it is.

3 Q. And what is the purpose of this letter?

4 A. This letter is required under the city  
5 ordinance. If a parade is to be denied, we have  
6 to send a formal denial letter including the  
7 reason for denial as well as the proposed  
8 alternate.

9 Q. And in this letter is one of the bases  
10 for denial under 10-8-330(g)(1)?

11 A. Yes.

12 Q. And for the benefit of the Court, can  
13 you elaborate on the basis for this denial and  
14 what you reviewed?

15 A. Yes. So based on all feedback from the  
16 departments and the reviews and the ordinance  
17 requirements, CDOT determined that the parade  
18 would interfere with traffic in the area and that  
19 there wouldn't be available resources to keep  
20 both the parade participants and any other users  
21 of the public way safe.

22 Q. And did you also provide a basis for  
23 that denial under 10-8-330(g)(2)?

24 A. Yes. So we go on further in the letter

1 to describe the impacts of the DNC and the lack  
2 of resources that would be available to keep the  
3 participants safe.

4 Q. And in this letter, you identify that  
5 the City of Chicago Department of Transportation  
6 provided an alternative route; is that correct?

7 A. Yes. That's a requirement under the  
8 ordinance.

9 Q. And what was the alternative route  
10 provided?

11 A. So the alternative provided was on  
12 Columbus Drive from Roosevelt to Jackson.

13 Q. And what was the proposed date for this  
14 alternative route?

15 A. August 19th, which was the date they  
16 had originally requested.

17 Q. And is there any differentiating factor  
18 from what was applied for in terms of time for  
19 the proposed alternative route?

20 A. Yes. So there are different assembly  
21 times and step off times. And that is due to  
22 other activities that will be taking place in the  
23 Columbus area on August 19th.

24 Q. Now, I'll show you what's been admitted

1       into evidence as City's Exhibit 6. Do you  
2       recognize this?

3           A.       Yes. This is an overview of the  
4       proposed alternative route.

5           Q.       And to your knowledge, why were you  
6       able to provide this alternative route?

7           A.       So this route, given the location, is  
8       still considered a high profile location, but  
9       it's easier to secure, so it required fewer  
10      resources. And although it would have traffic  
11      impacts, it would not be as significant as the  
12      requested route. And so that's -- this route was  
13      selected so that they could still maintain a high  
14      profile location, but in a manner that the city  
15      would be readily able to support.

16          Q.       And is this alternative route in the  
17      City of Chicago, County of Cook, State of  
18      Illinois?

19          A.       Yes.

20          Q.       And to your knowledge, has the  
21      Petitioner accepted the alternative route?

22          A.       No, I don't believe they have.

23                  MR. SPAHR: No further questions. And  
24      I'll tender the witness at this time.

1 ADMINISTRATIVE LAW JUDGE FLEMING:

2 Cross?

3

4 CROSS EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Mr. Gallardo, I feel like I know you.

7 Thank you for appearing this afternoon. Your  
8 title of Assistant Commissioner is part of the  
9 Chicago Department of Transportation, correct?

10 A. Yes.

11 Q. And how long have you been doing that?

12 A. I've been with the department since  
13 October of 2017.

14 Q. Okay. And who has the authority to  
15 deny or approve parade permits?

16 A. So per the ordinance, that authority  
17 rests with Chicago Department of Transportation,  
18 specifically the commissioner or his designee.

19 Q. Okay. And for purposes of this  
20 application, were you the commissioner's  
21 designee?

22 A. Yes, I manage the public way permitting  
23 office, so I am the one who does the intake and  
24 review of the permits, or the staff that reports

1 to me does.

2 Q. Which is why you sent the letter  
3 responding to the permit application, correct?

4 A. Yes.

5 Q. Okay. And so you were the one who  
6 ultimately had the authority to deny the permit  
7 application and deny the permit?

8 A. Yes. I'm the one who ultimately  
9 crafted the letter and sent out the denial.

10 Q. Okay. But that's a little different  
11 than what I asked. You had the authority to deny  
12 it, correct?

13 A. Under the -- as the commissioner's  
14 designee, yes.

15 Q. Okay. And you're the one who made the  
16 decision to deny it?

17 A. Based on the information I had, yes.

18 Q. Okay. And who did you -- you said you  
19 got information from a variety of other  
20 agencies --

21 A. So with all parade applications, we  
22 send it to multiple departments and so the Police  
23 Department, Office of Emergency Management and  
24 Communications, Streets and Sanitation, the ward

1 office, Department of Special Events and Cultural  
2 Affairs. So they all received copies of it and  
3 are able to provide feedback.

4 Q. And which departments provided feedback  
5 on this particular application?

6 A. On this particular application, I  
7 received feedback from the Chicago Police  
8 Department.

9 Q. Only the Chicago Police Department?

10 A. That's the only one that I recall  
11 receiving specifically back from.

12 Q. Okay. And did you receive that  
13 feedback in a written form or verbal?

14 A. So they provide what's called a CRL or  
15 Commander's Review Letter. And that's what they  
16 provided.

17 Q. And who provided that?

18 A. That comes from the Chicago  
19 Department -- Police Department.

20 Q. Is it from the commander?

21 A. Yeah. Of the district that would be  
22 the requested location.

23 Q. Okay. And so that was delivered to you  
24 in writing?

1           A.     It was e-mailed to me, but yes.

2           Q.     Okay. And did you get any other  
3 feedback besides the written feedback?

4           A.     Not that I can recall.

5           Q.     Okay. And what was the nature of the  
6 feedback you got from the Chicago Police  
7 Department?

8           A.     Due to the drain on their resources of  
9 the DNC, they did not feel they would have enough  
10 resources to support the parade as requested.

11          Q.     Okay. And did they give any specifics  
12 as to why the number of police officers would be  
13 required?

14          A.     We don't typically, no. We don't  
15 typically review the resources of another  
16 department. We would ask them for their input,  
17 but we rely on their expertise to tell us what  
18 they are able to do.

19          Q.     Okay. So you didn't get, we would need  
20 this many and we don't have that many?

21          A.     No, they didn't provide me specific  
22 officer counts or time tables. Simply that they  
23 did not believe they would have the resources at  
24 the time.



1           Q.     How many people do you expect to come  
2     to the Democratic National Convention?

3           A.     Based on the information we've been  
4     provided so far, 50,000 or more is a typical  
5     attendance. But obviously, we won't know until  
6     the time of the event.

7           Q.     Okay. And looking at the City  
8     Exhibit 5A, could you pull that out for a second?

9           A.     Yes.

10          Q.     Okay. And [inaudible] under Number 2,  
11     the second paragraph there --

12          A.     Uh-huh.

13          Q.     -- toward the bottom, do you see that?  
14     Do you see 50,000?

15          A.     Yes.

16          Q.     Okay. Is that what you relayed in this  
17     letter, approximately 50,000?

18          A.     Yes.

19          Q.     Okay. Can you read from "moreover,  
20     [inaudible] to the city in or on a date many  
21     attendees are expected to arrive and would create  
22     significant traffic concerns [inaudible]. And  
23     then, this includes resources needed for the  
24     DNC." Do you see that line?

1           A.     Uh-huh.

2           Q.     Okay. Did you use that exact line in  
3 another application?

4                   MR. SPAHR: Objection. Foundation.

5                   ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
6 the objection's overruled. You can answer it if  
7 he recalls.

8                   THE WITNESS: Yes, I believe that has  
9 been in another letter.

10

11 BY MR. WILLIAMS:

12           Q.     Okay. Did you use it for one -- an  
13 application for August 22nd, the last day of the  
14 Democratic National Convention?

15           A.     I believe so.

16           Q.     Okay. When considering applications  
17 for parade permits during the Democratic National  
18 Convention, have you investigated each one  
19 separately or do you just rely on earlier  
20 investigations?

21           A.     No. We take each application as its  
22 own entity. We don't review one based on another  
23 unless there's a specific conflict between the  
24 two applications.

1           Q.     But you do cut and paste language from  
2     one to the next, correct?

3           A.     Yes.   I have used similar language in  
4     the letters, but the reviews of each application  
5     are based on the application, itself, not on  
6     other applications.

7           Q.     You mentioned that you provided an  
8     alternative route; is that correct?

9           A.     Yes.

10          Q.     And that alternative route is in -- is  
11     on City's Exhibit 5.   Is that right?

12                   MR. SPAHR:   6, City's 6.

13                   MR. WILLIAMS:   I'm sorry.

14

15   BY MR. WILLIAMS:

16          Q.     The written version of that alternative  
17     route --

18          A.     Yes.   It's on -- it's in the denial  
19     letter if that's what you're asking.

20          Q.     Yes.   And that would be Exhibit 5B,  
21     correct?   City's Exhibit 5B?

22          A.     Yes.

23          Q.     Okay.   How did you come up with that  
24     route?

1           A.       So the ordinance requires that we  
2       provide a substantially similar route in terms of  
3       visibility. And so we selected the location  
4       based on what city resources were available and  
5       the impacts to traffic. But also noting that it  
6       would need to be a high profile location.

7           Q.       Okay. But the ordinance actually says  
8       [inaudible] will have comparable public  
9       visibility and a similar route location and date  
10      to that of the proposed parade; would you agree  
11      with that?

12          A.       In terms of what's in the ordinance,  
13      yes.

14          Q.       Okay. That's the actual language of  
15      the ordinance, right?

16          A.       I believe so.

17          Q.       Did you come up with that route; I  
18      mean, was that your idea, let's put them over on  
19      Columbus Drive?

20          A.       That's a route that has been used in  
21      the past and so it was one of the routes that we  
22      reviewed and it was one that was agreed that all  
23      the affected departments would be able to  
24      support.

1           Q.     Okay. You realize you're using passive  
2     voice. You said it was, it was decided, or it  
3     was agreed. Who agreed?

4           A.     Well, I wouldn't just send a route out  
5     there without consulting with the same  
6     departments that reviewed the application. So  
7     I -- all the folks that were part of the original  
8     distribution would also be alerted to the  
9     proposed route. And if they thought that they  
10    would not be able to support that, then that  
11    would not be the proposed route.

12          Q.     Okay. So are you saying other  
13    departments gave you feedback suggesting Columbus  
14    Drive between Roosevelt and Jackson?

15          A.     Suggesting that they would be able to  
16    support it, yes.

17          Q.     Okay. But you were -- are you saying  
18    that you suggested that to them and they said  
19    they could support it?

20          A.     In terms of the route itself?

21          Q.     The alternative route?

22          A.     Yes, they -- so the route, itself, is  
23    something that we have used in the past. And I  
24    would not have sent out the letter without

1 confirmation from them that they would be able to  
2 support it.

3 Q. Okay. You've had protests in other  
4 areas of the city before, too, and parades in  
5 other areas of the city, correct?

6 MR. SPAHR: Objection. Relevance.

7 ADMINISTRATIVE LAW JUDGE FLEMING:  
8 Overruled.

9 MR. WILLIAMS: Well, it's not as if  
10 Columbus Drive is the place to have a parade.

11 ADMINISTRATIVE LAW JUDGE FLEMING:  
12 Overruled.

13 MR. WILLIAMS: Okay.

14 THE WITNESS: Yes, we've had parades in  
15 various parts of the city.

16

17 BY MR. WILLIAMS:

18 Q. Okay. So I'm trying to figure out how,  
19 specifically, you come up with that for this  
20 parade application.

21 A. It's a fairly common one, again.  
22 That's a route that's been used for several  
23 parades. It's one that the city is capable of  
24 supporting even with the strained resources at

1       that time. And sending them any further away  
2       didn't seem practical.

3           Q.       How about sending them closer?

4           A.       I don't know of any routes that would  
5       be available that would be closer that wouldn't  
6       have more of an impact and wouldn't be able to be  
7       supported with the resources that we have or  
8       wouldn't have more significant traffic impacts.

9           Q.       What information did you base that on?

10          A.       The impacts?

11          Q.       The lack of other locations?

12          A.       By reviewing other potential locations.

13          Q.       Which ones did you review?

14          A.       We looked at areas near the United  
15       Center, but knowing that the DNC is going to be  
16       in the area and there will be several street  
17       closures in that area, being in the immediate  
18       area did not seem practical.

19                 Any of the east-west streets, such as  
20       Madison or Randolph, would have impacts to  
21       expressway access and other residents. So we  
22       needed to find a location that would, again,  
23       still be a high profile location, but would not  
24       have those type of impacts.

1           Q.     Columbus Drive is three miles away,  
2     right?

3           A.     I believe that sounds about right.

4           Q.     Okay. Do you consider that a similar  
5     location?

6           A.     In terms of visibility, yes. It's the  
7     central business district, which is basically one  
8     of the busiest areas in the city.

9           Q.     Okay. But not in terms of visibility  
10    because that's not what the ordinance says. Do  
11    you consider it a similar location --

12          A.     I consider it a similarly high profile  
13    location.

14          Q.     That's the only similarity, the high  
15    profile nature of it.

16          A.     I'm not sure I understand --

17                 ADMINISTRATIVE LAW JUDGE FLEMING:

18    [Inaudible] question, the way it came out so.

19                 MR. WILLIAMS: He's saying he considered  
20    a similar location in terms of visibility, but  
21    the ordinance says a similar route, location, and  
22    date to that of the proposed parade. It doesn't  
23    modify visibility. So I'm trying to ask how he  
24    considers a location three miles away from --



1                   ADMINISTRATIVE LAW JUDGE FLEMING: I'm  
2           not trying to stop you. That one statement you  
3           made didn't come out as a question, is the way I  
4           think it --

5

6   BY MR. WILLIAMS:

7           Q.     Is that the only basis, that you think  
8           it's a similar location, the visibility aspect?

9           A.     In terms of -- I guess I'm not  
10          understanding your question.

11          Q.     Well, you said -- I asked you do you  
12          consider this a similar location. And what's  
13          your answer?

14          A.     Yes.

15          Q.     Why is it a similar location?

16          A.     It's going to be in the heart of the  
17          city. It's going to have visibility, a high  
18          profile location, it's going to have access that  
19          they need, it's going to -- we'll also be able to  
20          support it with the resources that we have.

21                   So those are all the factors that go  
22          into selecting a location.

23          Q.     Will there be any delegates to the  
24          Democratic National Convention there?

1 MR. SPAHR: Objection. Speculation.

2 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
3 sustained. I don't think he would be able to  
4 answer yes or no on that. It's an argument.  
5 It's a factual argument.

6 MR. WILLIAMS: He made the decision for  
7 the location. He said it's similar.

8

9 BY MR. WILLIAMS:

10 Q. Is it your understanding the delegates  
11 to that Democratic National Convention are going  
12 to the United Center?

13 A. That is my understanding.

14 Q. Are they meeting on August 19 in the  
15 afternoon in the middle of Grant Park?

16 MR. SPAHR: Objection. Calls for  
17 speculation.

18 ADMINISTRATIVE LAW JUDGE FLEMING: I'll  
19 let him answer.

20 THE WITNESS: I don't know their  
21 specific schedule, but the 19th would be one of  
22 the days of the DNC, so I'm sure they will be  
23 meeting at some point.

24

1 BY MR. WILLIAMS:

2 Q. In the middle of Grant Park?

3 A. Again, I don't know their schedule yet.

4 Q. Okay. Do you think they're going to  
5 meet in the middle of Grant Park?

6 MR. SPAHR: Objection. Speculation.

7 ADMINISTRATIVE LAW JUDGE FLEMING:

8 That's sustained.

9

10 BY MR. WILLIAMS:

11 Q. Have you ever been on that stretch of  
12 Columbus Drive?

13 A. Yes, I have.

14 Q. Okay. There's a tree line?

15 A. There are trees on Columbus.

16 Q. On both sides of Columbus, correct?

17 A. I believe so, yes.

18 Q. You're not sure?

19 A. I don't count the trees on Columbus.

20 Q. I'm not asking how many trees, I'm  
21 asking --

22 A. There -- yes, to my recollection there  
23 are trees on Columbus, both sides.

24 Q. Are the trees higher than you and me?

1           A.     Most trees are, but I have not measured  
2     the ones on Columbus.

3           Q.     There are multiple routes from downtown  
4     Chicago out to United Center, correct?

5                   MR. SPAHR:  Objection.  Vagueness.

6                   ADMINISTRATIVE LAW JUDGE FLEMING:  
7     Overruled.  He can answer.

8                   THE WITNESS:  If you're asking, there  
9     are multiple streets that you can take to go west  
10    from downtown.

11

12  BY MR. WILLIAMS:

13           Q.     Okay.  [Inaudible]?

14           A.     You can.

15           Q.     You can take Lake Street?

16           A.     At this time you could not just because  
17     Lake Street's under construction.  But yes, Lake  
18     Street does go west.

19           Q.     Take Madison?

20           A.     You could.  Again, during the DNC,  
21     though, I would expect there would be a security  
22     perimeter there, so I don't know if that's going  
23     to be a practical route.

24           Q.     Did you consider -- so I just want to

1       make sure it was you who proposed the alternative  
2       route. You made the -- you put it out to other  
3       agencies?

4           A.     The final decision was mine.

5           Q.     Well, no, you're prior to the final --  
6       the only alternative given to other agencies was  
7       that Columbus Drive route, correct?

8           A.     I'm not sure I understand your  
9       question.

10          Q.     Okay. You denied the -- your head  
11       denied the application, correct, based on  
12       feedback from other agencies; is that right?

13          A.     Correct.

14          Q.     Okay. But you said before you had put  
15       out another proposed route you would get feedback  
16       from other agencies as well including CPD, right,  
17       Chicago Police Department?

18          A.     Yes. I've received feedback from other  
19       agencies including CPD.

20          Q.     Okay. But you [inaudible] received  
21       feedback specifically about this alternative  
22       route on Columbus Drive, correct?

23          A.     Well, I confirmed that they were able  
24       to support it.

1           Q.     Okay. But you can only confirm it if  
2     you told them, "Hey, what about this alternative  
3     route?" Right?

4           A.     I mean, yeah, they would have to know  
5     about it.

6           Q.     I guess my question -- did you give the  
7     CPD like a list of five and ask them if they  
8     could support any of them?

9           A.     No. It was more of a conversation as  
10    to what do we think that we'd be able to support.  
11    And so we've used Columbus before, I suggested  
12    Columbus, they said yes. They provided that in  
13    written form that they would be able to support  
14    that.

15          Q.     Okay. And who gave you -- what was the  
16    written form that you got that on?

17          A.     That's -- again, the commander's review  
18    letter that I had mentioned before.

19          Q.     You got it in an e-mail?

20          A.     Yes.

21          Q.     Okay. So it was you who put out that  
22    alternate route?

23          A.     Yes. That's the route that was decided  
24    on and that's the one that I confirmed with

1 police that they could support.

2 Q. Do you know if Columbus Drive is  
3 visible to United Center?

4 A. I don't think it would be.

5 Q. Why? Why do you think that?

6 A. I don't they can see Columbus from --  
7 the United Center from Columbus.

8 Q. Because it's too far away?

9 A. That would be one reason, yeah.

10 Q. And there are buildings and trees in  
11 the way?

12 A. Sure.

13 Q. Did you give any consideration to  
14 something in the sight of United Center?

15 MR. SPAHR: Objection. Calls for  
16 speculation, relevance.

17 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
18 I think it was kind of asked and answered as  
19 well.

20 MR. SPAHR: And asked and answered.

21 ADMINISTRATIVE LAW JUDGE FLEMING: But  
22 I'll let you try and answer it again. Maybe --

23 THE WITNESS: Yes. However, without  
24 more information from the Secret Service as to

1 the full layout, providing a route that I can't  
2 promise that would be available to them seemed  
3 impractical.

4

5 BY MR. WILLIAMS:

6 Q. Are you authorized to provide a route  
7 contingent on its availability of not being in a  
8 security zone?

9 MR. SPAHR: Objection. Calls for  
10 speculation.

11 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
12 it's not speculation. I'll overrule that. Is he  
13 authorized?

14 MR. SPAHR: Unclear.

15 ADMINISTRATIVE LAW JUDGE FLEMING: I  
16 don't know if he is or he isn't. Do you  
17 understand the question?

18 THE WITNESS: Yeah, I think I understand  
19 the question. And what I would say is I don't  
20 believe our permits supercede Secret Service  
21 authority or Homeland Security authority. So --

22

23 BY MR. WILLIAMS:

24 Q. I don't think you understood. Let me



1       just try and clarify. If you got a request to go  
2       on Lake Street. Could you say, you know, we're  
3       going to approve that unless it's in the Secret  
4       Service security zone?

5               MR. SPAHR: Objection. Improper  
6       hypothetical.

7               ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
8       again, if the witness can answer it, I'll let him  
9       answer it.

10              THE WITNESS: I don't know if per the  
11       ordinance I'm allowed to do that. But I probably  
12       wouldn't do that if I thought it was going to  
13       conflict with the layout of another event. In  
14       this case, the DNC.

15

16       BY MR. WILLIAMS:

17              Q.       Why would that conflict with the layout  
18       of the other event?

19              A.       Because it's in the immediate area of  
20       the other event and it's -- it could be part of  
21       their security zone, which is not a zone that I,  
22       personally, determine.

23              Q.       That wasn't my question [inaudible].

24       All right. Did you get any information from the

1 CPD about the specifics of the number of officers  
2 that would be required to allow this parade to go  
3 forward?

4 MR. SPAHR: Objection. Asked and  
5 answered.

6 ADMINISTRATIVE LAW JUDGE FLEMING: I  
7 don't think that was asked and answered  
8 specifically.

9 THE WITNESS: No, they don't provide me  
10 specific details as to how they reached their  
11 determination. They simply inform me of whether  
12 or not they feel they can support the event.

13

14 BY MR. WILLIAMS:

15 Q. Are you on a committee [inaudible],  
16 committee to organize the DNC?

17 A. There are various meetings that I  
18 attend regarding the requirements for the DNC.

19 Q. Okay. And is public safety discussed  
20 at those meetings?

21 A. I'm not on the public safety committed.  
22 I'm only on the transportation and traffic  
23 committee.

24 Q. Okay. Do you know if the DNC is

1 represented in the [inaudible] meeting?

2 A. I believe so.

3 Q. Do they -- they have some influence  
4 over security zone and routes approved, et  
5 cetera?

6 MR. SPAHR: Objection as to the  
7 relevance and is calling for speculation on  
8 behalf of Mr. Gallardo.

9 ADMINISTRATIVE LAW JUDGE FLEMING: I'm  
10 not sure of the relevance.

11 MR. WILLIAMS: Well, the DNC is very  
12 political. They don't want President Biden's  
13 facing protesters. It's in the news all the  
14 time.

15 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
16 that may be true, but I don't know that it's  
17 relevant to our discussion today.

18 MR. WILLIAMS: Well, I'm going to ask  
19 him if it influenced him.

20 ADMINISTRATIVE LAW JUDGE FLEMING: You  
21 may ask if anything influenced him, so yes, that  
22 would be proper. I have no problem with that.

23

24 BY MR. WILLIAMS:

1           Q.     Did anything or any entity influence  
2     your decision on a denial of the application  
3     other than CPD?

4           A.     You mean, did I get feedback from other  
5     entities or did they make a request that I  
6     accommodate it are you asking?

7           Q.     Did anyone make a request?

8           A.     No.

9           Q.     The DNC didn't make a request?

10          A.     No.

11          Q.     Do you know how many officers it would  
12     take to secure Columbus Drive?

13                 MR. SPAHR:  Objection.  Calls for  
14     speculation.

15                 ADMINISTRATIVE LAW JUDGE FLEMING:  Can  
16     you answer?

17                 THE WITNESS:  No, that would be  
18     something that would need to be determined by the  
19     police department.

20

21  BY MR. WILLIAMS:

22          Q.     Do you know if this were accepted as  
23     the alternative route if Columbus Drive would be  
24     closed?

1           A.     Yes.   If they were going to protest --  
2     if they're going to march down Columbus, then,  
3     yes, it would need to be closed.

4           Q.     Okay, entire strip of the alternate  
5     route would be closed?

6           A.     Yes.

7           MR. WILLIAMS:   Your Honor, nothing  
8     further.

9           ADMINISTRATIVE LAW JUDGE FLEMING:   Any  
10    redirect?

11          MR. WILLIAMS:   Judge, can I ask -- I'm  
12    sorry, I can hear what she's saying and the  
13    witness is sitting right there [inaudible] --

14          ADMINISTRATIVE LAW JUDGE FLEMING:  
15    Yeah --

16          MR. WILLIAMS:   [Inaudible].

17          MS. SHEMASH:    I'm sorry.

18          MR. WILLIAMS:    I just --

19          ADMINISTRATIVE LAW JUDGE FLEMING:   I  
20    could -- for the record, I couldn't hear her.

21          MS. SHEMASH:    That was not [inaudible].

22          MR. WILLIAMS:    I'm not saying you  
23    intended it [inaudible].

24          ADMINISTRATIVE LAW JUDGE FLEMING:   Okay.

1 MR. SPAHR: Okay. On redirect.

2

3 REDIRECT EXAMINATION

4 BY MR. SPAHR:

5 Q. Mr Gallardo, is Columbus Drive near  
6 Lake Shore Drive?

7 A. Yes, it is.

8 Q. Do you have any numbers as to how  
9 traffic is on Lake Shore Drive?

10 A. There's typically over what they call  
11 the ADT, average daily traffic, is over 120,000.

12 Q. And is that on a per day basis?

13 A. Yes.

14 Q. And is -- what direction does Lake  
15 Shore Drive travel on?

16 A. Both north and south.

17 Q. And does Lake Shore Drive travel past  
18 or towards McCormick Place?

19 A. Yes, it does.

20 Q. And is it your understanding that a  
21 secondary venue for the Democratic National  
22 Convention is the McCormick Place?

23 A. Yes, that's my understanding.

24 Q. Do you have any information on whether

1 or not delegates will be using Lake Shore Drive  
2 to travel to McCormick Place?

3 A. I don't have specific routes for them.  
4 But yes, if any of them are staying downtown,  
5 which I imagine would likely be the case, or near  
6 McCormick Place, yes, they would need to travel  
7 on Lake Shore Drive or nearby streets to get to  
8 either the United Center or back to their hotel  
9 or back and forth between the United Center and  
10 McCormick Place.

11 Q. And you testified that you've been on  
12 Columbus, correct?

13 A. Yes.

14 Q. And when you're on Columbus, are you  
15 able to see the buildings surrounding the area?

16 A. Yes.

17 Q. And are there hotels along the skyline?

18 A. Yes.

19 Q. Now, specifically focusing on the  
20 United Center, when you reviewed this in terms of  
21 traffic near the United Center, are you focused  
22 just on the perimeter of the United Center or do  
23 you take other factors into consideration of the  
24 area?

1           A.     We have to look at the area, itself,  
2     but also, you know, if we're going to be closing  
3     streets, where is that traffic going to go; where  
4     are pedestrians going to go, where are cars going  
5     to go, where are bicycles going to go, where are  
6     emergency vehicles going to go.

7           Q.     Are you aware of whether or not there  
8     will need to be traffic lanes for ingress and  
9     egress into the United Center?

10          A.     Yes. I mean, they're going to have  
11     thousands of individuals going to and from the  
12     United Center. So they'll have to have access to  
13     that area.

14          Q.     And would alternating traffic on any of  
15     the surrounding streets have an impact on  
16     potential ingress and egress routes for the  
17     United Center?

18          A.     Yes.

19          Q.     And to your knowledge, will there be  
20     any protest zones at or around the United Center  
21     on August 19, 2024?

22          A.     I know that -- I've been on various  
23     meetings, but I don't have specific locations  
24     that have been finalized yet on where there may



1 or may not be protest zones.

2 Q. Will there be areas around the United  
3 Center that will need to be sectioned off in  
4 terms of traffic for the Democratic National  
5 Convention being hosted there?

6 A. Yes. There will be a perimeter from my  
7 understanding. Again, I don't have any final  
8 plans, but it will -- there will be a hard  
9 perimeter extending likely at least a couple  
10 blocks out from the United Center in which  
11 traffic with either be fully closed or at the  
12 very least highly restricted.

13 Q. And to be clear, you haven't been told  
14 as to what specifically the radius of the  
15 perimeter would be?

16 A. No, I have not received any kind of  
17 final confirmation as to the exact radius of that  
18 footprint.

19 Q. Okay.

20 MR. SPAHR: No further questions.

21 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
22 Anything on that?

23 MR. WILLIAMS: Yeah.

24

1 RE CROSS EXAMINATION

2 BY MR. WILLIAMS:

3 Q. Are you saying that they're allowed to  
4 march on -- for this parade to march on Lake  
5 Shore Drive?

6 A. No, I did not say that.

7 Q. Okay. So you're still limiting it to  
8 this one strip of Columbus Drive, correct?

9 A. Yes.

10 Q. Okay. And on this strip of Columbus  
11 Drive, if you look at City's Exhibit 6?

12 A. Yes.

13 Q. Okay. And the dots designate the  
14 route, correct?

15 A. Yes, I believe so.

16 Q. The blue dots? Okay. And to the east  
17 of the route, that's Grant Park, right?

18 A. Yes, that is Grant Park.

19 Q. And south of there there's softball  
20 fields?

21 A. Yes.

22 Q. Okay. So there's a hill down to the  
23 softball fields, right?

24 A. I don't recall.

1           Q.     My daughter plays lacrosse there.  
2     There's a hill there. And then you go further to  
3     Lake Shore Drive, there's another hill down to  
4     Lake Shore Drive, right?

5           MR. SPAHR:   Objection.   Form.

6           ADMINISTRATIVE LAW JUDGE FLEMING:  
7     Overruled.

8           THE WITNESS:   Again, I don't recall.

9  
10    BY MR. WILLIAMS:

11          Q.     Okay. If you're in a car on Lake Shore  
12     Drive, can you see activity on Columbus Drive?

13          A.     Yeah, we've had issues with events in  
14     the past where folks will gather on Lake Shore  
15     Drive because they see activity in Grant Park or  
16     on Columbus Drive.

17          Q.     What -- what activity?

18          A.     Whether it's Lollapalooza, NASCAR,  
19     other parades that we have on Columbus. Folks  
20     will stop and gather on Lake Shore Drive. It has  
21     happened multiple times in the past.

22          Q.     Okay. Lollapalooza takes over the  
23     whole area, including the park area; is that  
24     correct? All the way up to Michigan Avenue?

1           A.     Yes.

2           Q.     Yeah.   Okay.   NASCAR drove through the  
3     whole city, didn't it?

4           A.     No, it drove through the Grant Park  
5     area.

6           Q.     Oh, so it only went on this strip of  
7     Columbus Drive?

8           A.     No, other streets as well, but in the  
9     immediate area, not the entire city.

10          Q.     Okay.   Then that part was blocked off,  
11     it had stands, the city shut down traffic for the  
12     whole downtown, right?

13          A.     In the immediate area, like on their  
14     footprint.

15          Q.     Okay.   My point is that this is not  
16     equivalent to NASCAR to restrict people to  
17     walking only on Columbus Drive, on the street.  
18     Not in the park, not all over downtown, not on  
19     Michigan Avenue; isn't that correct?

20                 MR. SPAHR:   Objection.   Argumentative.

21                 ADMINISTRATIVE LAW JUDGE FLEMING:   It's  
22     sustained.

23

24     BY MR. WILLIAMS:

1           Q.     This is limited only -- the alternate  
2     route is limited to marching only on Columbus  
3     Drive, correct?

4                   MR. SPAHR:   Objection.   Asked and  
5     answered.

6                   ADMINISTRATIVE LAW JUDGE FLEMING:  
7     Sustained.

8                   MR. WILLIAMS:   [Inaudible] it's like  
9     NASCAR.

10                  ADMINISTRATIVE LAW JUDGE FLEMING:   But  
11     the question is -- the proposed route is Columbus  
12     Drive.   They're not authorized to go to Grant  
13     Park, go up and down the hill, or any of that  
14     situation.   They're only allowed on Columbus  
15     Drive.

16

17   BY MR. WILLIAMS:

18           Q.     How much traffic control does Columbus  
19     Drive require as opposed to -- Columbus Drive  
20     alternate route as opposed to the requested  
21     route, more or less?

22           A.     It would be less.

23           Q.     And in part, that's because the  
24     activity is going to be at United Center,

1 correct; the DNC activity?

2 MR. SPAHR: Objection to the form of the  
3 question. I didn't understand it.

4 ADMINISTRATIVE LAW JUDGE FLEMING: Yeah,  
5 I'll sustain that. I'm not sure the form is  
6 right on that.

7

8 BY MR. WILLIAMS:

9 Q. Okay. The reason you're giving for the  
10 more traffic control need to allow a parade  
11 around United Center is because of the DNC,  
12 right?

13 A. That's one contributing factor. But  
14 the route, itself, would -- even without the  
15 existence of the DNC would require more traffic  
16 control.

17 Q. Without the DNC would it require more  
18 traffic control than Columbus or less?

19 MR. SPAHR: Objection. Relevance.

20 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
21 I'm -- overruled. I'm not sure where we're going  
22 yet but overruled at this point.

23 THE WITNESS: Yes. It would still  
24 require more.

1

2 BY MR. WILLIAMS:

3 Q. That would require more than Columbus  
4 Drive. So there's really not much required at  
5 Columbus Drive.

6 A. Well, part of the reason it was  
7 selected is because it requires fewer resources.

8 Q. Because it's set off to the side, away  
9 from the United Center, correct?

10 MR. SPAHR: Objection. Argumentative.

11 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
12 I'll sustain that. That's part of your argument.

13 MR. WILLIAMS: [Inaudible].

14 ADMINISTRATIVE LAW JUDGE FLEMING:  
15 Anything else?

16 MR. SPAHR: No further questions.

17 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
18 Let's go off real quick. We'll take about --

19

20 [OFF THE RECORD.]

21

22 ADMINISTRATIVE LAW JUDGE FLEMING:  
23 Deputy, raise your right hand.

24 DEPUTY CHIEF SHEMASH: Thank you.

1                   ADMINISTRATIVE LAW JUDGE FLEMING: Do  
2     you solemnly swear or affirm any testimony you give  
3     will be the truth?

4                   DEPUTY CHIEF SHEMASH: Yes.

5                   MR. SPAHR: Proceed, Judge?

6                   ADMINISTRATIVE LAW JUDGE FLEMING:  
7     Proceed.

8                   MR. SPAHR: All right.

9

10                   DIRECT EXAMINATION

11     BY MR. DIONNE:

12                 Q.     Good afternoon. Could you please state  
13     your name, spelling it for the record?

14                 A.     Gabriella Shemash, last name is  
15     S-H-E-M-A-S-H.

16                 Q.     And who is your current employer?

17                 A.     Chicago Police Department.

18                 Q.     How long have you worked for the  
19     Chicago Police Department?

20                 A.     22 years.

21                 Q.     What is your current position with CPD?

22                 A.     I'm a Deputy Chief of Area 3 Patrol.

23                 Q.     All right. And how long have you held  
24     that position?



1           A.     Since December of 2021.

2           Q.     Where is Area 3?

3           A.     Physically it's at Belmont and Western  
4           and encompasses four districts, the 12th, 19th,  
5           20th, and 24th Districts.

6           Q.     And where are those districts located  
7           roughly?

8           A.     Anywhere from -- south from Pilsen all  
9           the way up to the Evanston border.

10          Q.     What is your role as Deputy Chief of  
11          the Chicago Police Department?

12          A.     I oversee the patrol op, day-to-day  
13          patrol operations of those four districts.  
14          Anything that happens in them, including events.

15          Q.     What is included in day-to-day  
16          operations?

17          A.     Oversight of police officers,  
18          sergeants, lieutenants.

19          Q.     Approximately, how many officers,  
20          sergeants, and lieutenants do you oversee?

21          A.     Approximately 1,200.

22          Q.     And what are those individuals tasked  
23          with in this district?

24          A.     Patrol operations. So answering 911

1 calls, in-progress calls, [inaudible]  
2 disturbances, arrests, et cetera.

3 Q. Do you also oversee any large city  
4 events?

5 A. Yes.

6 Q. Which ones?

7 A. Anything that happens in the area. And  
8 a couple of the larger ones are Pride Parade in  
9 the 19th District and Puerto Rican Festival and  
10 Parade in the 12th District.

11 Q. What do you have to do for these other  
12 events?

13 A. Ensure we have the appropriate  
14 resources in terms of personnel and equipment for  
15 all of them.

16 Q. What types of equipment do you use  
17 here?

18 A. Equipment for the officers, radios,  
19 body cams, vehicles, and equipment for road  
20 closures, such as barricades, fencing, irons, et  
21 cetera.

22 Q. How does the Democratic National  
23 Convention compare to some of these other events  
24 you've overseen?

1           A.     It will be larger than our typical  
2     events.

3           Q.     And have you been tasked with working  
4     on the DNC?

5           A.     Yes.

6           Q.     What is your specific role for the DNC?

7           A.     So anything -- United Center falls in  
8     the 12th District, so anything outside of the  
9     United Center and its perimeter falls to me.

10          Q.     What has CPD been called upon to do  
11     while the DNC is in Chicago?

12          A.     To secure anything outside that  
13     perimeter, ensure the public safety of everybody  
14     around the event, as well as the safety of the  
15     dignitaries going to and from their venues and  
16     the event spaces.

17          Q.     And you just mentioned perimeter. What  
18     are you referring to when you said perimeter?

19          A.     The secure perimeter of the United  
20     Center. Anything outside that will fall to CPD.

21          Q.     When did you start working on this  
22     event?

23          A.     January of 2023.

24          Q.     And what are the dates of the DNC in

1 Chicago?

2 A. August 19th through the 22nd.

3 Q. What are the primary locations for the  
4 DNC?

5 A. United Center and McCormick Place.

6 Q. Generally speaking, what will the  
7 Chicago Police Department's role be while the DNC  
8 is in Chicago?

9 A. Safety of everything outside of those  
10 two venues.

11 Q. Does that include motorcades?

12 A. Yes.

13 Q. Is CPD also tasked with any kind of  
14 security details?

15 A. Yes. We will have dignitary protection  
16 for the dignitaries.

17 Q. What role to you have in safe travel  
18 routes?

19 A. Just securing the motorcade routes from  
20 the venues, from any hotels or venues, event  
21 spaces, as well as public transit.

22 Q. I'm going to switch gears for a second  
23 and just talk about other large events that are  
24 in Chicago. Are you aware of when the Air and

1 Water Show is typically held in Chicago?

2 A. It's typically held during the week the  
3 DNC is this year.

4 Q. All right. Is it also being held  
5 during that time this year?

6 A. It is not. It's being moved to the  
7 10th and 11th of August.

8 Q. Do you know why it's being moved to  
9 those dates?

10 A. Because the police department does not  
11 have the resources to ensure the safety of  
12 individuals attending that event due to them  
13 being utilized at DNC.

14 Q. And what kind of resources are we  
15 talking about here?

16 A. Personnel, vehicles, barricade  
17 equipment, street closure equipment.

18 Q. Are you aware of if this event's been  
19 rescheduled?

20 A. Yes, it's been rescheduled to the 10th  
21 and 11th of August.

22 Q. And why was that?

23 A. Not during the DNC so that we will have  
24 adequate resources for it to take place.

1           Q.     What about the start of Chicago public  
2 schools this year?

3           A.     It's been postponed one week.

4           Q.     Why was that postponed by a week?

5           A.     Typically, during that first week, we  
6 perform safe passage or we have police and  
7 resources on safe passage routes so that kids can  
8 get to and from school safely. And during DNC we  
9 will not have the personnel available to do that.

10          Q.     Besides personnel, are there any other  
11 resources that are in consideration for the safe  
12 travel routes?

13          A.     Yes. Vehicles and the equipment for  
14 the officers and body cams, radios.

15          Q.     Now, going back to the Democratic  
16 National Convention, do you know what a national  
17 special security event is?

18          A.     Yes.

19          Q.     What is it?

20          A.     It's an event designated by the  
21 Department of Homeland Security as a  
22 significant -- a nationally significant event  
23 that draws extra security due to possible  
24 terrorist activity or criminal activity around

1       it.

2           Q.     To your knowledge is the DNC considered  
3       an NSSE event?

4           A.     Yes.

5           Q.     How did you find that out?

6           A.     Through the Secret Service.

7           Q.     Do you recall who, specifically, at the  
8       Secret Service told you about this?

9           A.     I do not.

10          Q.     Was it an agent from the Secret  
11       Service?

12          A.     Yes.

13          Q.     So what is required of CPD during a  
14       designated NSSE event?

15          A.     Just to provide extra security around  
16       the event.

17          Q.     What date do you have to start  
18       deploying CPD resources in anticipation of this  
19       event?

20          A.     It will likely be up to a week prior to  
21       the event.

22          Q.     And do you have an idea when these  
23       special deployments will end?

24          A.     Sometime a couple days after the event.

1           Q.     Do you know why it's going to be  
2     lasting until a couple days after?

3           A.     Yes. We still have to maintain  
4     security while Secret Service takes down the  
5     event and any fencing, any infrastructure they've  
6     put in place for the event.

7           Q.     During this time, how many officers  
8     from CPD will be required to accomplish the  
9     directives?

10          A.     Thousands.

11          Q.     During this time, are officers  
12     permitted vacations?

13          A.     No.

14          Q.     Are officers in CPD allowed furlough  
15     during this time?

16          A.     No.

17          Q.     What about officer trainings?

18          A.     Training has been cancelled during that  
19     time frame.

20          Q.     Will detectives also be tasked to  
21     working this event?

22          A.     Yes.

23          Q.     Do you know what their assignments are  
24     going to be generally?



1           A.     Dignitary protection.

2           Q.     Are officers going to be tasked and  
3 assigned to the Chicago Transit Authority?

4           A.     Yes.

5           Q.     What, specifically, will be their  
6 assignments for that?

7           A.     To secure the trains, buses, as well as  
8 the platforms.

9           Q.     How are officers being deployed on  
10 barricaded streets?

11          A.     There'll be either full closures or  
12 partial closures intermittent depending on what  
13 type of closure needs to be put on the street.

14          Q.     Is CPD working with any other local or  
15 federal agencies in anticipation of this event?

16          A.     Yes. The State Police, Cook County  
17 Sheriff's, some surrounding suburbs, and Secret  
18 Service.

19          Q.     And what, exactly, are you doing to  
20 work along with those other agencies?

21          A.     Just meeting and coordinating with them  
22 to make sure that we're all on the same page.

23          Q.     Does the Secret Service direct the  
24 Chicago Police Department on how to deploy its

1 resources?

2 A. No.

3 Q. Do any other local or federal agencies  
4 make that direction on how to deploy CPD  
5 resources?

6 A. No.

7 Q. Whose decision is it as to how to  
8 deploy those CPD resources?

9 A. The CPD.

10 Q. Are you currently aware as to how many  
11 people will be coming to Chicago during the DNC?

12 A. Anticipating over a million.

13 Q. And are those people coming and going  
14 during the entirety of the event?

15 A. Yes.

16 Q. Do you have an anticipation or number  
17 of how many delegates will be arriving in  
18 Chicago?

19 A. About 135 heads of state, and tens of  
20 thousands of delegates with them.

21 Q. Are you anticipating either the  
22 President or Vice President also attending the  
23 DNC?

24 A. They will both be in attendance.

1           Q.     General speaking, how large of an event  
2     is this for all of Chicago?

3           A.     It's the largest that I will have seen  
4     in my 22-year career.

5           Q.     In your career, have you worked other  
6     large scale events?

7           A.     I've worked the Pride Parade, would be  
8     the largest parade. Puerto Rican Fest.

9           Q.     And how does the DNC compare to these  
10    other parades that you've been a part of?

11          A.     This will be significantly larger.

12          Q.     I want to move on, now, to parade  
13    application requests more generally. How does --  
14    how do you receive a parade application request?

15          A.     From the Chicago Police Department  
16    Special Events Section.

17          Q.     All right. Is that from a specific  
18    person or through something else?

19          A.     Just through e-mail from the unit.

20          Q.     And when you receive an application  
21    request, generally, who, if anybody, do you  
22    contact?

23          A.     The commander of the district in which  
24    the event is occurring.

1           Q.     Is that one specific commander or does  
2     it vary by location?

3           A.     It varies by location.

4           Q.     And do you overlook or look at the  
5     route that's proposed in an application?

6           A.     Yes.

7           Q.     All right. What do you do once you've  
8     looked at that route?

9           A.     I look at the route, also the time, the  
10    day of the week, the time of day, and make a  
11    determination as to whether it's feasible for the  
12    resources we have to handle it. Or if it's  
13    something that would require an outside resource  
14    request.

15          Q.     As part of that resource analysis, does  
16    that include how many officers it might take?

17          A.     Yes.

18          Q.     And other equipment?

19          A.     Yes.

20          Q.     What are some of those other pieces of  
21    equipment from CPD or resources that would be  
22    anticipated?

23          A.     Vehicles, radios, body cameras.

24          Q.     Now, you said that you may contact

1 other city departments depending upon the size  
2 and scale?

3 A. Correct.

4 Q. All right. And what is that  
5 determination -- sorry, strike that.

6 Who would you contact if you determine  
7 you had to contact another department?

8 A. OEMC, Streets and Sanitation, fire  
9 department.

10 Q. And why would you contact those other  
11 resources?

12 A. To get resources such as barricades,  
13 irons, traffic cones, type 3 barricades.

14 Q. Is CPD then tasked with coordinating  
15 all those other departments?

16 A. Yes.

17 Q. And what's their specific role then if  
18 required to do so?

19 A. Just have a meeting and make sure that  
20 everybody else also has the resources that we  
21 deem necessary to get -- to ensure public safety  
22 at an event.

23 Q. Now, you mentioned that you have prior  
24 experience working on parades that have used the

1 public way.

2 A. Yes.

3 Q. Approximately how many?

4 A. Approximately a dozen.

5 Q. And have you dealt with parades of the  
6 kind in the Petitioner's application here today?

7 A. Yes.

8 Q. Are you aware of the types of CPD  
9 resources it would take to allow for these types  
10 of parades?

11 A. Yes.

12 Q. So let's look, actually. I put in  
13 front of you what's previously been entered as  
14 City's Group Exhibit 3A through C. Do you  
15 recognize what's in front of you?

16 A. Yes.

17 Q. All right. And were you given a copy  
18 of the Petitioner's parade that was submitted on  
19 February 29, 2024?

20 A. Yes.

21 Q. Do you recall when you received this?

22 A. It was several weeks ago.

23 Q. And do you recall by whom you received  
24 it?

1           A.     From the Chicago Police Department's  
2     Special Events Section.

3           Q.     When you received it, did you have an  
4     opportunity to review it?

5           A.     Yes.

6           Q.     And looking at that application, what  
7     was the requested date of this parade?

8           A.     This is the 19th of August 2024.

9           Q.     And what's the assembly time?

10          A.     11:00 a.m.

11          Q.     The start time?

12          A.     12:00 p.m.

13          Q.     End time?

14          A.     2:15 p.m.

15          Q.     And disbursement time?

16          A.     3:00 p.m.

17          Q.     Is there an estimated number of  
18     participants for this parade?

19          A.     Yes. 5,000.

20          Q.     And is there a proposed route for this  
21     parade?

22          A.     Yes.

23          Q.     What is that route?

24          A.     The route begins at Union Park, goes

1 west on Washington Boulevard until Western. At  
2 Western Avenue it goes south until Jackson. At  
3 Jackson, it turns east. On Jackson it goes east  
4 until Ashland and then northbound on Ashland  
5 returning to Union Park.

6 Q. Are you familiar with this area of the  
7 city?

8 A. Yes.

9 Q. And how are you familiar with it?

10 A. It's entirely in the 12th District. I  
11 was the commander there for approximately two  
12 years prior to my current assignment.

13 Q. Would you please describe what Union  
14 Park is like at this location?

15 A. Sure. Quite a large park, mostly  
16 grass, a field house, has several baseball  
17 diamonds, tennis courts, sports areas.

18 Q. And how about Washington Boulevard,  
19 could you please describe that street?

20 A. Sure. It's a one-way going westbound,  
21 west of Union Park. And it's eastbound going  
22 east of Union Park. In this case, the westbound  
23 lanes, primarily residential and then passes the  
24 United Center to the north.



1           Q.     So the United Center is south of  
2     Washington at this location?

3           A.     Correct.

4           Q.     Can you next describe Western Avenue?

5           A.     A large thoroughfare, runs north south,  
6     has two lanes of traffic on each side and a  
7     parking lane.

8           Q.     And Jackson Boulevard?

9           A.     Jackson Boulevard is an one-way street  
10    going eastbound, primarily there's some schools,  
11    some residences, and it encompasses Malcolm X  
12    College just to the north of it.

13          Q.     And finally, can you describe Ashland  
14    Avenue?

15          A.     Ashland is another major thoroughfare,  
16    runs north south, two lanes of traffic in each  
17    way and a parking lane. Also a thoroughfare to  
18    our medical district.

19          Q.     And the medical district you just  
20    mentioned, where is that in relation to this  
21    proposed route?

22          A.     Just south of this.

23          Q.     Is the United Center encompassed by  
24    this proposed route?

1           A.     Yes.

2           Q.     And what kind of resources,  
3           officer-wise, would it require to secure this  
4           proposed route?

5           A.     This would take hundreds of officers.

6           Q.     Why would it take hundreds of officers?

7           A.     It's almost a three-mile route and it  
8           would require us to close at least 30 major  
9           intersections, as well as additional minor  
10          arterial streets and alleyways.

11          Q.     When you say "close the street," would  
12          that just be -- would you have to close all  
13          directions of traffic for this proposed route on  
14          these streets?

15          A.     Yes.

16          Q.     Why?

17          A.     With a group of 5,000 walking through  
18          the streets, we'd have to make sure there was no  
19          traffic that would drive into this parade.

20          Q.     And you also mentioned arterial  
21          streets. Could you elaborate on that?

22          A.     Sure. The small streets or driveways,  
23          alleyways, the people will inevitably try to  
24          bypass road closures to get around. We'd still

1       have to station officers there and/or barricades  
2       there to ensure that traffic doesn't drive into  
3       the parade.

4           Q.     Approximately, how many other streets  
5       besides the four on this application would have  
6       to be closed to secure this route?

7           A.     I estimate approximately 30, a little  
8       over 30 major intersections.

9           Q.     And do you know what a security  
10      perimeter is?

11          A.     Yes.

12          Q.     Does a security perimeter exist at or  
13      near the location of the United Center?

14          A.     It will, yes.

15          Q.     It will. So what does that mean,  
16      exactly?

17          A.     During the DNC there will be secure  
18      perimeter.

19          Q.     Is that around the United Center?

20          A.     Yes.

21          Q.     Do you know how large the secure  
22      perimeter is going to be at this point?

23          A.     I don't know exactly, but it will  
24      likely extend a few blocks in every direction

1 from the United Center.

2 Q. And every direction being north, east,  
3 south, and west?

4 A. Yes.

5 Q. All right. And who is going to inform  
6 you as to what that perimeter is going to be?

7 A. Secret Service.

8 Q. And at this point, have they informed  
9 you of that?

10 A. No.

11 Q. So based upon the Petitioner's  
12 application, was there recommendation was made?  
13 Excuse me. Was there a recommendation made?

14 A. Yes.

15 Q. And who made that recommendation?

16 A. I did.

17 Q. And what recommendation did you make?

18 A. That it should be denied.

19 Q. And what was that denial recommendation  
20 based upon?

21 A. It based upon the day and time in  
22 question. It coincides with the DNC where our  
23 resources already for tasks related to DNC, as  
24 well as the streets -- the route this is on, the

1       likelihood is that much of it will be within the  
2       secure perimeter. And both pedestrian and  
3       vehicle traffic will not be allowed.

4           Q.       Was that recommendation also based upon  
5       any proximity to the medical district?

6           A.       Well, Ashland Avenue, yes. Any closure  
7       on Ashland does affect, potentially, emergency  
8       vehicles going to emergency rooms at several  
9       hospitals.

10          Q.       Did the time of this proposed parade  
11       affect your determination?

12          A.       It is in the middle of the day, so yes.  
13       I mean, there's always heavy traffic in the area,  
14       but it will be especially heavier traffic due to  
15       DNC.

16          Q.       And what about the amount of people  
17       anticipated for this parade?

18          A.       Yes, 5,000, that's a lot of  
19       participants.

20          Q.       Did CPD or yourself anticipate more  
21       than the 5,000 or less than 5,000?

22          A.       We always anticipate that there could  
23       be more.

24          Q.       Why do you anticipate that there could

1 be more?

2 A. So that we can have the adequate  
3 resources if needed.

4 Q. So going back to the streets, you said  
5 that Ashland and Western are major north south  
6 roads?

7 A. Yes.

8 Q. And why can't CPD close off Ashland  
9 specifically?

10 A. That's the major thoroughfare right  
11 into the medical district, several hospitals and  
12 their emergency rooms. So any ambulance coming  
13 from the north could possibly be coming down  
14 Ashland.

15 Q. And what about for Western?

16 A. The same goes for Western, it's a  
17 little bit west of the medical campus, but still  
18 leads to the general area.

19 Q. Deputy Chief, what is a security  
20 bubble, if you know?

21 A. I don't know what a security bubble is.

22 Q. What about a secure footprint?

23 A. Yes.

24 Q. What is a secure footprint?

1           A.     It's an area designated by either the  
2     police department or, in this case, Secret  
3     Service that determines what can and cannot come  
4     out of that. So whether that be pedestrians,  
5     vehicles, et cetera, or would require people to  
6     be subject to search if entering the perimeter.

7           Q.     Is the United Center during this time  
8     going to be part of a secure footprint?

9           A.     Yes.

10          Q.     And who is in charge of setting up the  
11     perimeter of this footprint?

12          A.     The Secret Service.

13          Q.     Do you know what that entails?

14          A.     I know they do a blast assessment, but  
15     I don't know how they make their final  
16     determination.

17          Q.     Is CPD going to be part of this  
18     footprint?

19          A.     I don't know.

20          Q.     Do you have an anticipation of how many  
21     officers are going to be needed to secure the  
22     area around the United Center at this time?

23          A.     Likely be hundreds if not thousands.

24          Q.     And besides officers, what other

1 resources are going to required of CPD at this  
2 time in that area?

3 A. Keeping motorcade routes clear and then  
4 actually assisting motorcades, taking them to and  
5 from hotels, venues, event spaces.

6 Q. Did you do an analysis as to how many  
7 officers, roughly, it would take to secure the  
8 proposed route on this application?

9 A. Yes.

10 Q. And do you have a rough figure as to  
11 just the officers that would be required?

12 A. It would take a couple hundred.

13 Q. In anticipation just to the bodies,  
14 what, if any, other resources would be required?

15 A. Vehicles, equipment for every officer  
16 on the route, and barricades.

17 Q. Approximately how many vehicles, do you  
18 believe?

19 A. I don't know. I didn't do a vehicle  
20 analysis in depth.

21 Q. Now, after you made this determination,  
22 did you report it?

23 A. Yes.

24 Q. And who did you report that to?



1           A.     To Commander Giltmier.

2           Q.     And after Commander Giltmier got that  
3     determination, do you know where it went next?

4           A.     To the Chicago Police Department  
5     Special Events Section.

6           Q.     And do you know where it goes from  
7     there?

8           A.     To the Chicago Department of  
9     Transportation.

10          Q.     And do you know if it goes to any  
11     specific person at the Chicago Department of  
12     Transportation?

13          A.     I do not.

14          Q.     But it does go to the Department of  
15     Transportation, to your knowledge?

16          A.     Yes.

17          Q.     Now, Deputy Chief, are you aware of an  
18     alternate parade route that was proposed?

19          A.     Yes.

20          Q.     All right. Do you know what that  
21     alternative route is?

22          A.     Columbus, between Roosevelt and  
23     Jackson.

24          Q.     Do you happen to know why that route

1       was chosen?

2           A.     Yes.   It's downtown, it's highly  
3       visible, and it's much less manpower-intensive  
4       for us to provide closures for.

5           Q.     Why is it much less manpower-intensive?

6           A.     It's shorter and it's one straight  
7       route.

8           Q.     In addition to requiring fewer  
9       officers, does it require fewer other resources  
10      from CPD?

11          A.     Yes.   It would require less vehicles,  
12      less equipment, less barricades, and it's also  
13      not near any hospitals.

14          Q.     Besides providing all of this while the  
15      DNC is in Chicago, what else is CPD responsible  
16      at the same time?

17          A.     Maintaining public safety in all of our  
18      districts and responding to over 20,000 911 calls  
19      per day.

20          Q.     And is that all throughout the city  
21      limits of Chicago?

22          A.     Yes.

23                 MR. DIONNE:   Judge, nothing further at  
24      this time.   We tender the witness.

1 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

2 Cross?

3 MR. WILLIAMS: Okay.

4

5 CROSS EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Thank you. Good afternoon.

8 A. Good afternoon.

9 Q. It sounds like a lot work to  
10 accommodate the DNC, is that correct?

11 A. Yes.

12 Q. Okay. Why not just shut down all  
13 parades, marches, and protests during that  
14 period?

15 MR. DIONNE: Objection. Argumentative.

16 ADMINISTRATIVE LAW JUDGE FLEMING:

17 Sustained.

18

19 BY MR. WILLIAMS:

20 Q. Would you recommend that the City shut  
21 down all marches, protests, and parades during  
22 that period of time?

23 MR. DIONNE: Objection. Relevance.

24 ADMINISTRATIVE LAW JUDGE FLEMING:

1 Sustained. It's a recommendation and she may  
2 have personal feelings one way or the other, but  
3 that's not what we're dealing with here.

4 MR. WILLIAMS: But she's made a  
5 recommendation about approving a parade.

6 ADMINISTRATIVE LAW JUDGE FLEMING: About  
7 this particular parade. But you're asking about  
8 parades in general. Again, the fact --

9 MR. WILLIAMS: Nothing different than  
10 esteemed counsel here asking parade applications  
11 in general. He asked.

12 ADMINISTRATIVE LAW JUDGE FLEMING: No.  
13 I don't see it that way, I'm sorry. I thought  
14 the question was directed as to whether the  
15 deputy felt that there basically shouldn't be any  
16 parades during the DNC. And maybe she does, but  
17 that's not relevant to this case.

18 MR. WILLIAMS: Okay.

19

20 BY MR. WILLIAMS:

21 Q. You testified about parade applications  
22 in general, correct, and you were asked about  
23 that?

24 A. Sure, yes.

1           Q.     Do you make recommendations on parade  
2 applications?

3           A.     Yes.

4           Q.     Given all that you testified has to  
5 happen during the DNC, is it your recommendation  
6 that no parades, marches, or protests be held in  
7 Chicago during the DNC?

8           MR. DIONNE:  Objection.  Relevance.

9           ADMINISTRATIVE LAW JUDGE FLEMING:  
10 Again, where's the relevance?

11           MR. WILLIAMS:  Well, this is a parade  
12 application.  She is recommending it not be held  
13 [inaudible] United Center.

14           ADMINISTRATIVE LAW JUDGE FLEMING:  Based  
15 upon the specific factors that she enumerated.  
16 But again, I don't feel these questions are  
17 relevant to this particular case.

18

19 BY MR. WILLIAMS:

20           Q.     Do you believe citizens in Chicago have  
21 the right to exercise First Amendment  
22 [inaudible].

23           MR. SPAHR:  Objection, Judge.  
24 Relevance.

1 ADMINISTRATIVE LAW JUDGE FLEMING:

2 Sustained.

3

4 BY MR. WILLIAMS:

5 Q. Did you take into consideration the  
6 First Amendment rights of Chicago citizens  
7 [inaudible] recommending the parade route not be  
8 approved?

9 A. Yes. I always take that into  
10 consideration.

11 Q. And what did you consider?

12 A. I consider whether or not we can ensure  
13 the safety of citizens while they exercise those  
14 rights.

15 Q. And you determined that the CPD could  
16 not for the proposed route?

17 A. That's correct.

18 Q. Were you asked to consider alternate  
19 routes?

20 A. I gave an alternate route.

21 Q. Did you provide the route on Columbus  
22 Drive, the alternate route?

23 A. I was given that route as an option and  
24 it was provided.

1           Q.     Did you consider anything -- any other  
2     alternate route within three miles of the United  
3     Center?

4           A.     It was not presented to me as an option  
5     to do so. We were --

6           Q.     So you weren't given an option to  
7     consider any alternative route?

8           MR. DIONNE: Objection.

9           ADMINISTRATIVE LAW JUDGE FLEMING: I  
10    think that's unclear. Because I took it as the  
11    Deputy was not given the option of herself  
12    proposing routes.

13          THE WITNESS: Correct.

14          ADMINISTRATIVE LAW JUDGE FLEMING:  
15    You're -- there's an assumption that that's part  
16    of her responsibility that I didn't pick up.

17          MR. WILLIAMS: No, I think I asked -- I  
18    agree that's the answer she gave. And that's  
19    what I was trying to get at.

20

21   BY MR. WILLIAMS:

22          Q.     So the only alternate you were  
23    presented with and asked to give an opinion about  
24    was the one on Columbia Drive; is that correct?

1           A.     Correct.

2           Q.     Do you believe there could be other  
3     alternates closer to United Center?

4                   MR. DIONNE:  Objection.  Call for  
5     speculation.

6                   ADMINISTRATIVE LAW JUDGE FLEMING:  
7     Sustained.

8

9     BY MR. WILLIAMS:

10          Q.     Do you know why you were not asked?

11                   MR. DIONNE:  Objection.  Calls for  
12     speculation.

13                   ADMINISTRATIVE LAW JUDGE FLEMING:  
14     Sustained.

15

16     BY MR. WILLIAMS:

17          Q.     You said you were given the permit  
18     application, City's Exhibit 3A through 3C, by the  
19     police department special events; is that right?

20          A.     Correct.

21          Q.     Okay.  Were you given that by e-mail?

22          A.     Yes.

23          Q.     And what were you asked to do?

24          A.     To review the application.



1           Q.     And specifically, what were you asked  
2     to do?

3           A.     We review the application and determine  
4     whether or not we have any objections.

5           Q.     And who is we?

6           A.     We, I. And I always confer with the  
7     District Commander.

8           Q.     Okay. And you testified that there  
9     would be hundreds, if not thousands of police  
10    officers around the United Center during the DNC;  
11    is that correct?

12          A.     Correct.

13          Q.     So if there were a parade nearby the  
14    United Center there would already be a pretty  
15    large police force directing traffic, is that  
16    right?

17                 MR. DIONNE: Objection, Judge. Improper  
18    hypothetical.

19                 ADMINISTRATIVE LAW JUDGE FLEMING: It's  
20    sustained. I mean, she's testified there's  
21    policemen in the area, but rephrase it if you  
22    want to try.

23

24    BY MR. WILLIAMS:

1           Q.     Would the thousand or so police  
2     officers in the area be directing traffic in  
3     part, some of them?

4           A.     They will have tasks that will be  
5     specific to the DNC at any given time.

6           Q.     Including directing traffic?

7           A.     Possibly.

8           Q.     Okay. Including blocking  
9     intersections?

10          A.     At times.

11          Q.     Okay. When you look at City's  
12     Exhibit 4, the proposed route and the  
13     application, you understand this is a -- the  
14     proposal is to have a march, correct?

15          A.     Yes.

16          Q.     And by march, it indicates that they  
17     will continue to move; is that right?

18          A.     Yes.

19          Q.     Okay. And so the crowd would not be in  
20     all the way around this route at the same time.

21                 MR. DIONNE: Objection, Judge. It calls  
22     for speculation.

23                 ADMINISTRATIVE LAW JUDGE FLEMING: No.  
24     I think I see where he's going but overruled.

1       You can answer.

2                   THE WITNESS: Well, they likely wouldn't  
3       be -- yes, around the entire thing at the same  
4       time.

5

6       BY MR. WILLIAMS:

7           Q.       So in other words, I mean, just  
8       specifically when they were marching down  
9       Western, they wouldn't be on Ashland, right?

10          A.       That's assuming the group stays  
11       together. It's also assuming they can get from  
12       one place to the other. Because likely they  
13       won't be able march through portions of this due  
14       to the perimeter being in effect.

15          Q.       Okay. I'm going to refer to the  
16       section of Ashland on this map and a section of  
17       Western on this map. Okay. So when I say  
18       Ashland and Western, just talking about this  
19       section.

20          A.       Uh-huh.

21          Q.       Are you aware of this section of  
22       Ashland ever being shut down for anything; a  
23       parade, a marathon, a march, anything?

24                   MR. DIONNE: Objection. Relevance.

1 ADMINISTRATIVE LAW JUDGE FLEMING:

2 Overruled. If she knows.

3 THE WITNESS: I know it's been  
4 temporarily shut down if there's an emergency.

5 But we always move swiftly to clear it due to its  
6 proximity to the hospital district.

7

8 BY MR. WILLIAMS:

9 Q. Okay. But never for an event?

10 A. To my knowledge, no.

11 Q. Okay. So this concern about Ashland  
12 and the medical district, that concern is all the  
13 time, correct?

14 A. Yes. It's always next to the medical  
15 district.

16 Q. It's not just associated with the DNC  
17 event, correct?

18 A. Correct.

19 Q. Okay. Have you ever permitted a march  
20 on Ash -- this section of Ashland Avenue?

21 MR. DIONNE: Objection. Relevance.

22 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
23 I'll sustain the objection because it assumes,  
24 first of all that she was ever asked to approve a

1 march on Ashland Avenue.

2 MR. WILLIAMS: I'll ask that --

3 ADMINISTRATIVE LAW JUDGE FLEMING: I'm  
4 mean, you're pulling it out, so yeah. And it  
5 also, again, assumes whether the deputy has the  
6 authority now. Once we -- the situation would be  
7 what has she ever recommended or approved, make a  
8 recommendation in favor of a march in that area.

9

10 BY MR. WILLIAMS:

11 Q. Have you ever been asked to allow a  
12 group to march on Ashland Avenue?

13 A. By permit, no.

14 Q. Have you ever been asked at all?

15 A. No. Have I been asked by a permit or  
16 asked? No. However, have protesters done it?  
17 Yes. Not with my permission or recommendation.

18 Q. Have you ever agreed that protesters  
19 could march on half of Ashland Avenue  
20 [inaudible].

21 A. Not agreed to it. What -- we've had  
22 protesters that were marching on Ashland so we  
23 had to kind of, on the fly, make amended street  
24 closures for the safety of people on that street.

1 But it was never anything that I would,  
2 personally, recommend or advocate for.

3 Sometimes protesters do -- unpermitted  
4 protesters do what they want to do and we can't  
5 let them get run over by vehicular traffic. So  
6 we have to make decisions on the fly.

7 But had I ever seen a permit or written  
8 request for the use of Ashland, I would never  
9 consider closure, whether it be partial or full.

10 Q. When -- you testified you're involved  
11 in other events that occur in Chicago; is that  
12 correct?

13 A. Correct.

14 Q. Permitted events, correct?

15 A. Permitted and unpermitted.

16 Q. Okay. If there is a -- for example,  
17 the Chicago Marathon, by definition goes 26.3  
18 miles, I believe, through the City of Chicago; is  
19 that correct?

20 MR. DIONNE: Objection as to relevance.  
21 It's not a question, Judge.

22 ADMINISTRATIVE LAW JUDGE FLEMING: I  
23 overrule --

24 MR. WILLIAMS: Judge, I just want to

1       establish that they can close streets and then  
2       open them. Because if it's a moving target they  
3       can close and open. They do it all the time for  
4       the Chicago Marathon, Bike the Ride, you name it,  
5       they can close and open streets.

6               ADMINISTRATIVE LAW JUDGE FLEMING: Who  
7       is "they?"

8               MR. WILLIAMS: The City. The witness.

9               ADMINISTRATIVE LAW JUDGE FLEMING:  
10       You're dealing with the police officers.

11              MR. WILLIAMS: Yes, the witness.

12              ADMINISTRATIVE LAW JUDGE FLEMING: So  
13       the --

14              MR. WILLIAMS: She testified to his  
15       questions that she's been involved in these for  
16       three years.

17              ADMINISTRATIVE LAW JUDGE FLEMING: I'll  
18       let you try and do it, but I -- well, proceed and  
19       we'll see where we go. And at any time that you  
20       don't understand, you can ask him to rephrase.

21              THE WITNESS: So can you please ask the  
22       question one more time?

23

24       BY MR. WILLIAMS:

1           Q.     If you have a permitted event that is  
2     moving, you can close streets and then when the  
3     event passes open them up, correct?

4           MR. DIONNE:  Objection as to vagueness,  
5     then, Judge.

6           ADMINISTRATIVE LAW JUDGE FLEMING:  
7     Again, she can -- I didn't mean to [inaudible].

8           THE WITNESS:  All right.  Assuming that  
9     we have the personnel and the vehicles and the  
10    equipment to do so, then yes, it's possible.

11

12  BY MR. WILLIAMS:

13          Q.     Okay.  It happens all the time in  
14     Chicago, right?

15          A.     Sure, it's like something for the  
16     marathon.  That's makes sense.

17          Q.     I went to the Irish parade the other  
18     day, right?  All the time.  And you testified  
19     there'd be thousands of police officers around  
20     United Center?

21          A.     Yes.

22          Q.     Would most of those officers have  
23     vehicles.

24          A.     I don't know.



1           Q.     Okay. Did you provide any kind of  
2     traffic analysis around -- to the Chicago  
3     Department of Transportation around the United  
4     Center?

5           A.     No.

6           Q.     Okay. It's been a while since  
7     Chicago's hosted a Democratic National  
8     Convention, right?

9           A.     Yes.

10          Q.     '68 was the last time.

11                 MR. DIONNE: Objection. Relevance.

12                 ADMINISTRATIVE LAW JUDGE FLEMING:

13     Sustained. '96.

14                 MR. WILLIAMS: Was it '96? [Inaudible].

15                 ADMINISTRATIVE LAW JUDGE FLEMING: Bill  
16     Clinton.

17                 MR. WILLIAMS: Okay. All right.

18     [Inaudible].

19

20     BY MR. WILLIAMS:

21           Q.     Do you ever reach out -- does the  
22     police department, Chicago Police Department, to  
23     your knowledge, ever reach out to other cities to  
24     get advice on conducting the Democratic National

1 Convention?

2 MR. DIONNE: Objection. Relevance.

3 ADMINISTRATIVE LAW JUDGE FLEMING: Yes.

4 It's sustained. You could ask -- I suppose you  
5 could ask the deputy if she in her capacity in  
6 planning has reached out, but that might be  
7 irrelevant, too. But you could ask it.

8

9 BY MR. WILLIAMS:

10 Q. Have you ever reached out to New York  
11 to ask where they allow protests if conventions  
12 were held in Madison Square Garden?

13 MR. DIONNE: Objection. Relevance.

14 ADMINISTRATIVE LAW JUDGE FLEMING:

15 Overruled.

16 THE WITNESS: No.

17

18 BY MR. WILLIAMS:

19 Q. Did you reach out to any other city  
20 agencies to get information about the request  
21 [inaudible] parade route?

22 A. No.

23 Q. So the recommendation you made was  
24 based just on Chicago Police Department?

1 A. Correct.

2 Q. And who did you give that  
3 recommendation to?

4 A. Commander Giltmier.

5 Q. Okay. And how did you give that  
6 recommendation to Commander Giltmier?

7 A. We spoke.

8 Q. And what did you say?

9 A. That I recommend that the permit be  
10 denied based on what I've already testified to.

11 Q. You told her that verbally?

12 A. Yes.

13 Q. How long was that conversation?

14 A. I don't know.

15 Q. You told her all the things you said  
16 today?

17 A. Yes.

18 Q. Did you provide her anything in  
19 writing?

20 A. No.

21 Q. And did you ever speak to anyone in the  
22 Chicago Department of Transportation?

23 A. No.

24 Q. Do you know what information was

1 relayed from CPD to the Chicago Department of  
2 Transportation?

3 A. Just Commander Giltmier's objection  
4 letter.

5 Q. And do you know what was in the  
6 objection letter?

7 A. I don't recall without looking at it.

8 Q. Do you know if there were specific  
9 bases for objecting?

10 A. I don't.

11 Q. Do you know if Commander Giltmier  
12 recommended any other areas closer to the United  
13 Center than Columbus Drive?

14 MR. DIONNE: Objection. Calls for  
15 speculation.

16 ADMINISTRATIVE LAW JUDGE FLEMING:  
17 Overruled. If she knows.

18 THE WITNESS: I don't.

19

20 BY MR. WILLIAMS:

21 Q. In other words, you didn't see the  
22 communications between Commander Giltmier and  
23 Chicago Department of Transportation, correct?

24 A. I don't recall without seeing it.

1 Q. The Air and Water Show has been  
2 rescheduled, correct?

3 A. Yes.

4 Q. [Inaudible] required for that, correct?

5 A. Correct.

6 Q. Okay. Chicago public school opening  
7 has been delayed, is that correct?

8 A. Yes.

9 Q. So any officers assigned to that would  
10 not be required for that during the DNC, correct?

11 A. They'll be at DNC.

12 Q. Okay. Yeah, but they wouldn't be  
13 dealing with helping the schools, correct?

14 A. Correct.

15 Q. If you were asked if the parade could  
16 be held outside of the security perimeter of the  
17 United Center, would you recommend that --

18 MR. DIONNE: Objection. Improper  
19 hypothetical.

20 ADMINISTRATIVE LAW JUDGE FLEMING:  
21 Sustained.

22

23 BY MR. WILLIAMS:

24 Q. Is there anywhere other than Columbus

1 Drive that you would recommend a parade to be  
2 held at this time?

3 MR. DIONNE: Objection. Relevance.

4 ADMINISTRATIVE LAW JUDGE FLEMING:  
5 Sustained.

6

7 BY MR. WILLIAMS:

8 Q. Are you here to testify on behalf of  
9 the Secret Service today?

10 A. No.

11 Q. Are you -- do you create -- are you  
12 part of creating any incident action plans  
13 related to DNC?

14 A. No.

15 Q. Has one been created for the week of  
16 the DNC?

17 A. Not to my knowledge.

18 MR. WILLIAMS: I don't have anything  
19 else.

20 ADMINISTRATIVE LAW JUDGE FLEMING:  
21 Anything on --

22 MR. WILLIAMS: Again, Judge --

23 ADMINISTRATIVE LAW JUDGE FLEMING:  
24 You're getting a little too close --

1 MR. WILLIAMS: [Inaudible] right?

2 ADMINISTRATIVE LAW JUDGE FLEMING: I can  
3 almost hear you now.

4 MR. DIONNE: One moment, please, Judge.  
5 Sorry. Judge, no redirect based upon that.

6 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

7 MR. WILLIAMS: Any other witness?

8 MR. DIONNE: No other witnesses at this  
9 time but --

10 ADMINISTRATIVE LAW JUDGE FLEMING: No,  
11 but we have to address the Exhibit --

12 MR. DIONNE: Yes, Judge. But just for  
13 clarification of the record, the only City  
14 Exhibit that's at issue is Group 2, correct?

15 ADMINISTRATIVE LAW JUDGE FLEMING: It's  
16 the affidavit.

17 MR. DIONNE: Yes. Everything else has  
18 been --

19 ADMINISTRATIVE LAW JUDGE FLEMING:  
20 Everything else was in by stipulation.

21 MR. DIONNE: Right.

22 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
23 And I know we addressed this earlier. But that's  
24 a separate transcript, so Counsel, your

1 objections to Rashad Sprague [phonetic] is --

2 MR. WILLIAMS: Okay. I'm going to  
3 object. This is attempting to introduce  
4 significant relevant testimony presumably it  
5 provides some context. But without [inaudible]  
6 due process [inaudible] allowing us to cross  
7 examine this witness as to what he's testifying  
8 to, including the necessary security perimeters,  
9 security checkpoints, and other activities that  
10 would be required during the DNC, his testimony  
11 is self-serving for the City without an  
12 opportunity to object or to cross examine.

13 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
14 City?

15 MR. DIONNE: So Judge, in response, the  
16 testimony of this affidavit is relevant and the  
17 standard here at the Department of Administrative  
18 Hearings, which allows for hearsay, ultimately  
19 goes upon whether or not this is reasonably  
20 relied upon.

21 We know this can be reasonably relied  
22 upon because it is signed by the attestant,  
23 Rashad Sprague, who works for the Secret Service,  
24 as well as signed by a notary public at the



1 bottom.

2 The information in here and any  
3 admissibility determination would ultimately go  
4 to weight and whether or not the Court is to  
5 consider the information that's contained within  
6 this directive, Judge.

7 Because we believe we've met the  
8 evidentiary standards as required by this  
9 courthouse, we ask that Group Exhibit 2 be  
10 admitted into evidence at this time.

11 ADMINISTRATIVE LAW JUDGE FLEMING: All  
12 right. It will be allowed in evidence. We do  
13 allow hearsay. And additionally, balancing the  
14 question of having the opportunity to confront  
15 the witness, the affidavit does not render any  
16 opinion from the affiant, individually, or on  
17 behalf of the Secret Service as to whether or not  
18 the parade should be allowed, should not be  
19 allowed, whether the route was fine, whether the  
20 alternate was [inaudible].

21 So it does give some -- flushes out some  
22 of the information that we have, including from  
23 the exhibit from Homeland Security, which was  
24 allowed in evidence. So the document will be

1       allowed in. So with that, City rests?

2

3                               (Whereby, City's Exhibit Number  
4                               2 having been admitted into  
5                               evidence.)

6

7               MR. DIONNE: Yes, Judge.

8               ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

9               MR. WILLIAMS: For the record, over our  
10      objection. It's allowed --

11              ADMINISTRATIVE LAW JUDGE FLEMING: Oh,  
12      yeah. Allowed over objection. Do you need a couple  
13      of minutes to talk to your guys?

14              MR. WILLIAMS: No.

15              ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

16              MR. DIONNE: Judge, may we excuse Deputy  
17      Chief Shemash?

18              ADMINISTRATIVE LAW JUDGE FLEMING: Sure.

19              DEPUTY CHIEF SHEMASH: Thank you.

20              ADMINISTRATIVE LAW JUDGE FLEMING: Thank  
21      you.

22              MR. WILLIAMS: You're done then?

23              MR. DIONNE: Yes, the City is resting.

24              ADMINISTRATIVE LAW JUDGE FLEMING: All

1 right, Counsel, so I don't make the same mistake as  
2 last time, you did defer your opening statement so.

3 MR. WILLIAMS: I'll pass on the opening,  
4 Judge.

5 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
6 Sir, please raise your right hand. Do you solemnly  
7 swear or affirm any testimony you give will be the  
8 truth?

9 MR. RATHBURN: I do.

10

11 DIRECT EXAMINATION

12 BY MR. WILLIAMS:

13 Q. Can you state and spell your name for  
14 the record?

15 A. Henry Rathburn, H-E-N-R-Y,  
16 R-A-T-H-B-U-R-N.

17 Q. Okay. And that's the legal name given  
18 to you at birth?

19 A. Yes, it is.

20 Q. Do you go by a different name?

21 A. Yes, I do.

22 Q. What's that name?

23 A. Liz Rathburn.

24 Q. Okay. Would you prefer I called you

1 Liz?

2 A. Yes, I would.

3 Q. Okay. Are you affiliated with an  
4 organization called Students for a Democratic  
5 Society at UIC?

6 A. Yes, I am. I'm the president.

7 Q. Is it okay if I call it SDS?

8 A. Yeah, sure.

9 Q. Thank you. I'm going to show you  
10 what's been marked -- previously marked as City's  
11 Exhibit 3A through C. Can you take a look at  
12 that?

13 A. This is an application [inaudible].

14 Q. Please turn to the last page. Is that  
15 your signature on the last page?

16 A. Yes, it is.

17 Q. And you are submitting a request for a  
18 parade on behalf of SDS at UIC?

19 A. Yes.

20 Q. Are you the only one submitting the  
21 request?

22 A. No. We're submitting it as an  
23 organization, but, you know, I'm the one who  
24 filed the paperwork.

1 Q. Okay. And who's in SDS; what's the  
2 group made up of?

3 A. It's about 30-ish UIC students.  
4 Essentially all folks who go to UIC. Different  
5 levels, some are graduates, some are under  
6 graduates.

7 Q. Okay.

8 A. That's [inaudible].

9 Q. But all are students?

10 A. Absolutely.

11 Q. That's a criteria for the group?

12 A. Correct.

13 Q. And can you tell me what the title of  
14 the march you put in your application?

15 A. Yes. March Against the U.S. Funded  
16 Gaza Genocide.

17 Q. And so is the purpose of this march  
18 focused on the war in the Middle East?

19 A. Yes. We're hoping to express our  
20 political view that the U.S. funding of the State  
21 of Israel and their military is [inaudible].

22 Q. Okay. And why did you use the term  
23 march?

24 A. We going to be moving fairly quickly.

1 We're not going to stop and we're going to try to  
2 keep the crowd going from Union Park all the way  
3 over and around.

4 Q. Okay. And can you summarize -- well,  
5 let me show what's been previously marked  
6 Exhibit -- City's Exhibit 4. Can you look at  
7 that?

8 A. Yeah. So this looks like the march  
9 route.

10 Q. So this is the requested parade route  
11 in your application, correct?

12 A. Yes.

13 Q. Okay. What time period were you  
14 looking to march?

15 A. August 19th, from 12:00 to 2:15, I  
16 think is what I [inaudible].

17 Q. Okay. And this is an accurate --  
18 City's Exhibit 4 is an accurate reflection of the  
19 parade route?

20 A. Yeah, [inaudible].

21 Q. Okay. Would you intend to be on  
22 Washington Avenue at the same time the crowd is  
23 on Jackson Boulevard?

24 A. No. We would be turning onto -- yeah,

1 we'd be turning to Western. [Inaudible].

2 Q. Okay. I guess, in other words, your  
3 group would be staying together, they wouldn't be  
4 all around the square, correct?

5 A. No, that's what the marshals are for.

6 Q. And when you mention marshals, what are  
7 you plans to organize the marshals?

8 A. Yes, we're going to be having  
9 volunteers in [inaudible] jackets to guide people  
10 along the route, to make sure everybody knows  
11 where restrooms, water, [inaudible].

12 Q. Okay. And is it your intention to have  
13 a non-violent, family-friendly march or something  
14 different?

15 A. We want it to be as peaceful, as  
16 family-friendly, and as accessible to the general  
17 public as possible.

18 Q. And will the marshals be directing  
19 [inaudible]?

20 A. Yes, that route.

21 Q. And the leaders of the march as well?

22 A. [Inaudible].

23 Q. Who is your message [inaudible]  
24 directed at?

1 MR. DIONNE: Objection. Relevance.

2 ADMINISTRATIVE LAW JUDGE FLEMING:

3 Overruled.

4 THE WITNESS: The message of our protest  
5 is directed very specifically. It's directed at  
6 the Democratic Party apparatus and even more  
7 specifically than that, at the folks in federal  
8 power; the senators, congressmen, ambassadors,  
9 and of course, President Joe Biden.

10

11 BY MR. WILLIAMS:

12 Q. And why are you targeting that  
13 audience?

14 A. They have the authority to end U.S. aid  
15 to Israel.

16 Q. They have the federal authority to  
17 [inaudible]?

18 A. Exactly.

19 Q. How do you intend to convey your  
20 message?

21 A. Through chants, banners, speeches, and  
22 I guess, yeah, protest signs.

23 Q. Okay. So is it important for you to be  
24 within sight and sound of the Democratic National



1 Convention at the United Center?

2 A. It absolutely is.

3 Q. Why is that?

4 A. Well, we're trying to get the message  
5 to the Democratic Party. If we are shunted off  
6 away somewhere where they can't see us, they are  
7 safe to ignore us. They can freely --

8 MR. DIONNE: Objection. Argumentative.

9 ADMINISTRATIVE LAW JUDGE FLEMING:

10 Overruled.

11 THE WITNESS: They can freely, you know,  
12 ignore our protest. And so we want to be within  
13 sight and sound, that way we can actually express  
14 this in a way where we can be sure it is being  
15 heard by the people we want to hear it.

16

17 BY MR. WILLIAMS:

18 Q. Okay. And the route you requested is  
19 all on public streets, correct?

20 A. Correct.

21 Q. Did you get a response from the Chicago  
22 Department of Transportation about your parade  
23 application?

24 A. We received a rejection letter, yes.

1 Q. And I'm going to show you what was  
2 previously marked as Exhibit 5A, B, and C. Is  
3 this that rejection letter?

4 A. Yes, it is.

5 Q. Okay. The Chicago Department of  
6 Transportation offered an alternate parade route;  
7 is that correct?

8 A. Yes, they did.

9 Q. And [inaudible] City's Exhibit 6.

10 A. Uh-huh.

11 Q. It's a little hard to show you, it's a  
12 lot of blue, but can you see the blue dots on  
13 there?

14 A. Yes. This looks like the route.

15 Q. Okay. Is that, to your knowledge, the  
16 alternate route proposed by the Chicago  
17 Department of Transportation?

18 A. Yes, it is.

19 Q. Okay. And that's on Columbus Drive in  
20 downtown Chicago, correct?

21 A. Yes.

22 Q. From Roosevelt Road to Jackson?

23 A. That is correct [inaudible].

24 Q. What's wrong with that route?

1           A.     Well, there's a number of things. The  
2     first is the distance to the Democratic National  
3     Convention. It's over three miles, I believe,  
4     and you know, I don't think anyone can hear that  
5     far. Beyond that, it's also in an area that is  
6     largely, you know, a public park, there's Lake  
7     Michigan, there's a lot of tree-lined streets,  
8     you know, on a very busy weekend.

9           There's still not going to be that many  
10    people down there. It's a beautiful place but  
11    it's not going to be [inaudible].

12          Q.     Have you ever driven on Lake Shore  
13    Drive?

14          A.     Yes, I have.

15          Q.     Can you see Columbus Drive activity  
16    from Lake Shore Drive, do you know?

17          A.     Sometimes. But a lot of times it's  
18    also blocked by trees.

19          Q.     And are you familiar with hills going  
20    from Lake Shore Drive up to the park and then up  
21    to Columbus Drive?

22          A.     Yes.

23          Q.     Does that block the vision from Lake  
24    Shore Drive?

1           A.     I would say yes.

2           Q.     And if the Chicago Department of  
3     Transportation closes down south Columbus Drive  
4     between Roosevelt Road and Jackson Boulevard  
5     during the time of the march, would that further  
6     limit the number of the public that would see  
7     your protest?

8           A.     In my understanding, I think it would  
9     drastically limit the number.

10          Q.     Why do you think that the Chicago  
11     Department of Transportation proposed this as the  
12     alternative route?

13                 MR. DIONNE:  Objection.  Calls for  
14     speculation.

15                 ADMINISTRATIVE LAW JUDGE FLEMING:  
16     Sustained.

17

18     BY MR. WILLIAMS:

19          Q.     Before rejecting your proposed parade  
20     route, did anybody from Chicago Department of  
21     Transportation reach out to you [inaudible]  
22     alternative?

23                 MR. DIONNE:  Objection.  Relevance.

24                 ADMINISTRATIVE LAW JUDGE FLEMING:

1 Sustained.

2 MR. WILLIAMS: It's not relevant whether  
3 anybody reached out?

4 ADMINISTRATIVE LAW JUDGE FLEMING: No.  
5 Why is it -- where, again, in the ordinance does  
6 it say that the Department of Transportation  
7 needs to reach out? Department of Transportation  
8 pursuant to the ordinance gave a proposed route.  
9 But you know what? To move things along, answer  
10 the question.

11 THE WITNESS: No, no one reached out to  
12 us.

13

14 BY MR. WILLIAMS:

15 Q. Did they explain how they came up with  
16 the alternate route?

17 MR. DIONNE: Objection, Judge.

18 ADMINISTRATIVE LAW JUDGE FLEMING: Yeah.  
19 Objection's noted. Continue.

20

21 BY MR. WILLIAMS:

22 Q. Did anyone from Chicago Department of  
23 Transportation tell you they considered other  
24 alternate routes closer to the United Center?

1 MR. DIONNE: Same objection.

2 ADMINISTRATIVE LAW JUDGE FLEMING: Same

3 ruling. [Inaudible]. You can answer.

4 THE WITNESS: No, they did not.

5

6 BY MR. WILLIAMS:

7 Q. Is it fair to say that the Chicago

8 Department of Transportation presented the

9 alternate parade route on Columbus Drive

10 [inaudible] proposal?

11 MR. DIONNE: Objection. Argumentative.

12 ADMINISTRATIVE LAW JUDGE FLEMING:

13 Sustained.

14

15 BY MR. WILLIAMS:

16 Q. Did the Department of Transportation

17 give you any other option besides the Columbus

18 Drive alternate route?

19 A. No, this was the only alternate route

20 presented to us in the rejection letter.

21 Q. If the Department of Transportation

22 informed you that they couldn't approve the route

23 as requested, but could move it two blocks north

24 or two blocks south, would you have considered

1       that?

2                   MR. DIONNE:  Objection.

3                   ADMINISTRATIVE LAW JUDGE FLEMING:

4       That's speculation.  Sustained.

5

6  BY MR. WILLIAMS:

7           Q.     Is the route you proposed the only  
8       route you would consider?

9                   MR. DIONNE:  Objection.  Relevance.

10                  ADMINISTRATIVE LAW JUDGE FLEMING:

11       What's the relevance of the other ones?  He  
12       hasn't pro -- they haven't proposed other ones.  
13       I have to deal with the route that's proposed  
14       in --

15                  MR. WILLIAMS:  And that's the relevance,  
16       Judge.  Because they have not identified a  
17       comparable public [inaudible] -- that's our  
18       position.  That's what we want --

19                  ADMINISTRATIVE LAW JUDGE FLEMING:  I  
20       understand that's your position.  But I'm saying  
21       that my interpretation of the ordinance is that  
22       we are dealing with this particular route.

23                  MR. WILLIAMS:  I understand.  But it  
24       does say in (k) that they have to make an

1 evaluation.

2 ADMINISTRATIVE LAW JUDGE FLEMING: It  
3 doesn't say in (k) that they have to meet with  
4 the applicant and sit down and ask the applicant  
5 questions whether they would take this route or  
6 that route. It doesn't say that. It says they  
7 have to propose --

8 MR. WILLIAMS: I'm not suggesting it  
9 says it. But they do have to make -- they have  
10 to make an assessment, evaluation. They have to  
11 consider what is comparable. They have to  
12 consider similar time, date, and location. They  
13 have to consider those things. So I'm inquiring  
14 to the factual basis of what they did to consider  
15 [inaudible].

16 ADMINISTRATIVE LAW JUDGE FLEMING: You  
17 can't get that testimony from your witness.

18 MR. WILLIAMS: Well, if --

19 ADMINISTRATIVE LAW JUDGE FLEMING: He  
20 can testify --

21 MR. WILLIAMS: -- if they did reach out  
22 to him, I'm sure they would [inaudible] it out.

23 ADMINISTRATIVE LAW JUDGE FLEMING: I  
24 mean, I gave you the leeway to ask him the



1 questions that there wasn't contact. And that,  
2 you know, lets you make your argument on there.  
3 But it doesn't lead to some sort of conclusion  
4 that we're required to do so.

5 MR. WILLIAMS: I am not making that  
6 assertion. There's nothing in the ordinance that  
7 says they can't reach out to the applicant and  
8 try and work out something.

9 ADMINISTRATIVE LAW JUDGE FLEMING: But  
10 there's nothing in the ordinance that says they  
11 are required to, which is what you seem to be  
12 positing your position on. You seem to be --

13 MR. WILLIAMS: It's --

14 ADMINISTRATIVE LAW JUDGE FLEMING: You  
15 seem to be positing part of your argument that  
16 somewhere in that ordinance is a silent  
17 requirement that when the parade application is  
18 denied, the Department of Transportation has an  
19 affirmative obligation to try to mediate.

20 MR. WILLIAMS: Well, I'm -- my position  
21 is that Columbus Drive is not a reasonable  
22 alternative and the department did nothing to  
23 consider other reasonable alternatives. I'm not  
24 saying they have to do A, B, or C. But I'm

1 saying in determining reasonable and in complying  
2 with this Section (k) of the ordinance, those are  
3 relevant facts.

4 ADMINISTRATIVE LAW JUDGE FLEMING: But  
5 how can this witness testify as to the mindset of  
6 the Department of Transportation?

7 MR. WILLIAMS: I didn't ask his mindset.  
8 All I asked was did they call him.

9 ADMINISTRATIVE LAW JUDGE FLEMING: And I  
10 let you answer that.

11 MR. WILLIAMS: All right. I have  
12 nothing further.

13 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

14

15 CROSS EXAMINATION

16 BY MR. DIONNE:

17 Q. All right. So you said for the purpose  
18 of your parade proposal it's for a friendly and  
19 was supposed to be for the community or something  
20 to that effect?

21 A. Broadly speaking, yes.

22 Q. Right. And you're anticipating at  
23 5,000 people; is that right?

24 A. That's [inaudible] information, yes.

1           Q.     Are you also anticipating counter  
2 protesters to your march?

3           A.     I'm anticipating negative reaction from  
4 the attendees at the DNC, but I don't expect a  
5 counter protest.

6           Q.     But you said that your organization was  
7 providing vested marshals?

8           A.     Yes, we are.

9           Q.     And these vested marshals, though, they  
10 do not have policing powers, do they?

11          A.     Not unless they are undercover police.

12          Q.     None of your marshals are undercover  
13 police, though, are they?

14          A.     Not to my knowledge.

15          Q.     Okay.

16                 MR. DIONNE: Nothing further, Judge.

17                 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
18 Anything else?

19                 MR. WILLIAMS: Nothing further.

20                 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
21 Does anyone need time for closing?

22                 MR. DIONNE: We could -- City's  
23 answering ready to move into it if Counsel is.

24                 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

1 MR. WILLIAMS: We're ready.

2 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

3 All right. Proceed, City.

4 MR. DIONNE: Thank you. Judge, the City  
5 is asking the Court affirm the denial of this  
6 parade permit application based upon the bases  
7 that are set forth in the denial letter, which is  
8 City's Group Exhibit 5.

9 Specifically, addressing the first  
10 subsection under Municipal Code of Chicago  
11 10-8-330(g)(1) in the code in which the  
12 commissioner found that the proposed parade route  
13 will substantially interfere with traffic in the  
14 area contiguous to the activity and there is not  
15 available at the time of the parade sufficient  
16 city resources to mitigate the disruption.

17 What we have here in this proposed  
18 application is a route that entirely encircles  
19 the United Center during the time and dates in  
20 which the Democratic National Convention will be  
21 taking place at the United Center.

22 Furthermore, we have testimony that this  
23 is going to be an NSSE event in collaboration  
24 with not only CPD, but also the Secret Service

1       and other federal agencies, which require a  
2       massive amount of resources to secure this area  
3       and this footprint.

4               The route that's being proposed would  
5       completely shut down all streets surrounding this  
6       United Center asking for all traffic to be  
7       diverted into areas that cannot absorb that  
8       traffic flow. Mr. Gallardo from Transportation  
9       basically said that it's going to create gridlock  
10      in this area.

11             We have further testimony that  
12      establishes that the United Center is just north  
13      of the medical district and that Ashland Avenue  
14      is a major thoroughfare that requires access to  
15      that area. Asking to shut that street down is  
16      basically asking ambulances and other emergency  
17      equipment to find another way to get to these  
18      hospitals. So it's simply impossible to  
19      accommodate this proposed route and shut down  
20      those streets.

21             Going into Subsection -- Municipal Code  
22      of Chicago 10-8-330(g)(2) the Court should find  
23      that there is not available at the time of the  
24      parade a sufficient number of on-duty police

1 officers or other city employees authorized to  
2 regulate traffic and to police the public and  
3 protect participants, et cetera.

4 We know that every officer that works  
5 for CPD, from patrol person to detective to  
6 sergeant, is being tasked upon and called upon to  
7 provide the necessary resources to secure the DNC  
8 during this time.

9 We also know that it is such a large  
10 drain on the personnel and resources, that  
11 various events that normally occur during this  
12 time, such as the Air and Water Show and the  
13 start of Chicago public schools, have had to have  
14 been changed and essentially rescheduled just  
15 because the CPD does not have the resources to  
16 even accommodate those activities.

17 They're going to be working the DNC.  
18 All vacations have been cancelled, all training  
19 has been cancelled, furloughs have been  
20 cancelled. Every able-bodied person is going to  
21 be tasked with this monumental requirement to  
22 provide the security for the City during the DNC.  
23 And the job doesn't just stop there.

24 We still have to staff -- the Chicago

1 Police Officers have to staff every district in  
2 the entirety of the City of Chicago. Just  
3 because the DNC is here, doesn't mean that all  
4 other business stops. It doesn't mean that all  
5 of the responses to 911 call have to stop.

6 So based upon the inability to provide  
7 the officers for the application -- Petitioner's  
8 safety, that was denied. But then we go into the  
9 proposed alternative route, which was proposed by  
10 CPD.

11 Is it in the exact same location? No,  
12 it's not. But it is in a location that is highly  
13 visible. It's right by a park. It's right by  
14 Lake Shore Drive. And it's to the extent  
15 practical. That is what Subsection (k) says.

16 It doesn't say it has to be the same or  
17 close to. What we do know is that we're going to  
18 have hundreds, if not thousands of people coming  
19 through the parks of the area, going across Lake  
20 Shore Drive. It's right by the main hotel  
21 district where there will be delegates and other  
22 attendees staying.

23 And furthermore, we've got over 5,000  
24 people that are part of this march. Last I

1       checked, trees can't block sound. We've got  
2       plenty of voices that can be heard to Lake Shore  
3       Drive, to Michigan Avenue. And in that location  
4       a message can be heard.

5               Judge, the City has met all of its  
6       requirements required by the municipal code  
7       including the proposed alternative route and we'd  
8       ask that the Court affirm the determination from  
9       the Department of Transportation.

10              ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
11       Thank you. Counsel?

12              MR. WILLIAMS: The City of Chicago, as  
13       with all municipal and other divisions of  
14       government, is bound by the First Amendment. The  
15       ordinance in question seems to have implicitly  
16       acknowledged that by including Section (k), which  
17       requires if a parade permit is denied, the  
18       commissioner shall authorize the conduct of a  
19       parade on a date, at a time, and at a location or  
20       a route different from that named by the  
21       applicant.

22              This alternate permit shall, to the  
23       extent practicable, authorize an event that will  
24       have comparable public visibility and a similar



1 route, location, and date to that of the proposed  
2 parade. I note that there is an "and" between  
3 visibility and similar route, location, and date.

4 The -- so we ask you to overturn the  
5 denial of the permit or at a minimum to require  
6 that the City come up with a more reasonable  
7 alternative.

8 I'm not suggesting that there's anything  
9 in the statute that requires them to meet with  
10 the Petitioner, but they are required to  
11 recognize the First Amendment and Section (k)  
12 requires them to provide a comparable public --  
13 comparable place -- similar route, location, and  
14 date.

15 Columbus Avenue is -- Columbus Boulevard  
16 is three miles away. It's on tree-lined streets.  
17 It's -- the plan is to shut it down, there will  
18 be no visibility. The target -- the DNC is  
19 inherently a political event. It's when the  
20 Democratic Party, the party who currently with  
21 the presidency, currently with control of the  
22 senate are present in the Chicago area at the  
23 United Center.

24 That is the target of the speech, the

1 political speech being held on public grounds or  
2 being sought to be held on public grounds on this  
3 parade route where speech, according to the  
4 Supreme Court, finds it's greatest traditional  
5 protection.

6 The alternative does not allow the  
7 Petitioner to be -- the applicant for the permit  
8 to have their message heard by the targets of  
9 their political speech.

10 First of all, we have heard evidence  
11 that the City did not comply with Section (f) of  
12 the ordinance by conducting a full, thorough  
13 investigation [inaudible]. We have heard vague  
14 language about it will take a lot of police  
15 officers.

16 And honestly, Judge, their own testimony  
17 says all the police are going to be around the  
18 DNC already. This is going to be a highly  
19 controlled area and to suggest that there could  
20 be no area within three miles of the United  
21 Center that could be controlled and more narrowly  
22 tailored to meet the rights of the permit  
23 applicant is ludicrous.

24 Second of all, the City has not met the

1 requirements of Section (k) and find a more  
2 reasonable alternative. So for that reason, we'd  
3 ask this body to overturn the decision or at a  
4 minimum to require the City to consider other  
5 parade routes at the same time and date and  
6 closer to the event that its speech is targeted  
7 at.

8 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
9 Final word?

10 MR. DIONNE: Judge, Counsel has  
11 mischaracterized exactly where the officers are  
12 going to be. Yeah, there's going to be  
13 heightened officer presence at the United Center,  
14 but they're still responsible for being all  
15 throughout the rest of the City of Chicago.

16 And going into Subsection (k), nowhere  
17 in the ordinance or the code does it say that we  
18 have to -- the City has to provide an area that  
19 allows the voice to be heard by the same  
20 designated targets. That's not anywhere in the  
21 code. It's to the extent practical.

22 And we're proposing an alternative that  
23 high visibility, by another large park within the  
24 city limits, and for that reason, Judge, we ask

1       that you affirm the determination?

2               ADMINISTRATIVE LAW JUDGE FLEMING:   Okay.

3       Thanks everyone.   It's been a long day.   And I  
4       apologize if I got out of sorts at all at any  
5       point.

6               And like I say, I've got to get home and  
7       start typing.   I have 48 hours, I will get it  
8       down here.   I'm assuming that they will e-mail it  
9       out to you guys at that point in time?

10              It's 48 hours for me to get it here, so  
11       it gets here at, you know, 4:28 and two days.  
12       You may not get the e-mail till the next day.  
13       But I'll get it all done.   Good luck to you all.

14              MR. DIONNE:   Thank you, Judge.

15              MR. WILLIAMS:   [Inaudible] my e-mail  
16       address --

17              MR. DIONNE:   We have your --

18              ADMINISTRATIVE LAW JUDGE FLEMING:   It's  
19       on your appearance form, isn't it?

20              MR. WILLIAMS:   It's on my appearance  
21       form, yes.

22              ADMINISTRATIVE LAW JUDGE FLEMING:   So  
23       the appearance form will be in the file.

24              MR. WILLIAMS:   [Inaudible].

1 ADMINISTRATIVE LAW JUDGE FLEMING: Yeah.

2

3 (END OF PROCEEDING)

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1           I, Susan Bonomo, do hereby certify or affirm  
2     that I have impartially transcribed the foregoing  
3     from an audiotape record of the above-captioned  
4     proceedings to the best of my ability.

5  
6           *Susan Bonomo*

7           Susan Bonomo  
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